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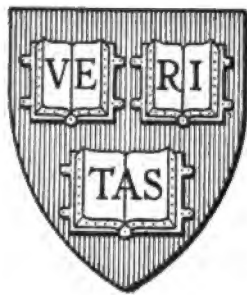
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REPORTS
FROM
COMMITTEES:

SEVEN VOLUMES.

— (1.) —

ACCOUNTS, PUBLIC; CLARE WRIT;
COMMONS; CONTAGIOUS DISEASES ACTS.

Session

5 December 1878 — 15 August 1879.

8
VOL. VIII.

1878-9.

1880, Dec. 14.
Sumner road.

BR DOC 650

REPORTS FROM COMMITTEES:

1878-9.

SEVEN VOLUMES:—CONTENTS OF THE

FIRST VOLUME.

N.B.—*THE* Figures at the beginning of the line, correspond with the N° at the foot of each Report; and the Figures at the end of the line, refer to the MS. Paging of the Volumes arranged for *The House of Commons*.

ACCOUNTS, PUBLIC:

96. First Report from, the Committee of Public Accounts; together with the Proceedings of the Committee, Minutes of Evidence, and Appendix - - - - - p. 1
186. Second Report; with the Proceedings of the Committee, Minutes of Evidence, Appendix, and Index - - - - - 63

CLARE COUNTY WRIT:

130. Report from the Select Committee on Clare County Writ; with the Proceedings of the Committee, Minutes of Evidence, and Appendix - - - - - 179

COMMONS:

158. First Report from the Select Committee on Commons; with the Proceedings of the Committee - - - - - 219
173. Second Report; with the Proceedings of the Committee, Minutes of Evidence, and Appendix - - - - - 227
219. Third Report; with the Proceedings of the Committee, Minutes of Evidence, Appendix, and Index - - - - - 371
198. Special Report; with the Proceedings of the Committee - - - 389

CONTAGIOUS DISEASES ACTS.

323. Report from the Select Committee on Contagious Diseases Acts; together with the Proceedings of the Committee, Minutes of Evidence, Appendix, and Index - - - - - 397

F I R S T
R E P O R T
FROM THE
COMMITTEE
OF
P U B L I C A C C O U N T S;
TOGETHER WITH THE
PROCEEDINGS OF THE COMMITTEE,
M I N U T E S O F E V I D E N C E,
AND APPENDIX.

*Ordered, by The House of Commons, to be Printed,
12 March 1879.*

COMMITTEE OF PUBLIC ACCOUNTS.

Members nominated,—[*Tuesday, 18th February 1879*]:—

Sir Walter Barttelot.		Mr. Cubitt.
Lord Frederick Cavendish.		Mr. Goldney.

Other Members nominated,—[*Tuesday, 25th February 1879*]:—

Mr. Hankey.		Mr. O'Reilly.
Sir Henry Holland.		Mr. Seely.
Sir John Lubbock.		Sir Henry Selwin-Ibbetson.
Sir Charles Mills.		

Ordered,—[*Wednesday, 12th March 1879*]:—THAT the Committee have power to report their Observations, together with the Minutes of Evidence taken before them, from time to time, to the House.

REPORT	- - - - -	p. iii
PROCEEDINGS OF THE COMMITTEE	- - - - -	p. v
MINUTES OF EVIDENCE	- - - - -	p. 1
APPENDIX	- - - - -	p. 29

F I R S T R E P O R T.

THE COMMITTEE of PUBLIC ACCOUNTS have made Progress in the Matters to them referred, and have agreed to the following FIRST REPORT:—

OWING to the late period at which they were appointed, your Committee are unable to present their Report upon the whole of the Appropriation Accounts of the sums granted by Parliament for the Civil Services for the year 1877-78, before the Vote has to be taken in Committee of Supply for the excesses upon certain Votes for those Services. They therefore consider it desirable, in accordance with the recommendation contained in the Report of the Committee of Public Accounts in 1877, to make a special Report on the Accounts of those Votes on which there are shown to be excesses.

CIVIL SERVICES.

CLASS II.

VOTE 2.—HOUSE OF COMMONS OFFICES.

1. There is a Net Deficit of 1 *l.* 19 *s.* 3 *d.* upon this Vote.

CLASS III.

VOTE 2.—CRIMINAL PROSECUTIONS, SHERIFFS' EXPENSES, &c.

2. There is a Net Deficit of 450 *l.* 14 *s.* 4 *d.* upon this Vote.

VOTE 8.—COUNTY COURTS.

3. There is a Net Deficit of 16,733 *l.* 13 *s.* upon this Vote. It was explained to your Committee that this deficit was caused by the great increase in the amount of the business of the Courts, which has caused a corresponding increase in the extra Receipts paid into the Treasury.

VOTE 9.—LAND REGISTRY OFFICE.

4. There is a Net Deficit of 22 *l.* 3 *s.* 5 *d.* upon this Vote.

VOTE 13.—CONVICT ESTABLISHMENTS IN ENGLAND AND THE COLONIES.

5. There is a Net Deficit upon this Vote, as shown in the Account, of 91 *l.* 3 *s.* 8 *d.*; but the Comptroller and Auditor General is unable to admit the sums of 11 *l.* 18 *s.* 4 *d.*, for which the proper Treasury authority has not been produced, and of 1 *l.* 13 *s.*, in the absence of a voucher or other proof of payment, as properly chargeable against the Vote. The Accounting Officer states that

that it has been necessary to communicate with Western Australia with respect to these documents, and that no reply can be received for some time. The Net Deficit to be voted is therefore 77 *l.* 12 *s.* 4 *d.*, as stated by the Comptroller and Auditor General in his Report.

VOTE 30.—REGISTRY OF JUDGMENTS, IRELAND.

6. There is a Net Deficit of 51 *l.* 2 *s.* 5 *d.* upon this Vote.

CLASS IV.

VOTE 18.—QUEEN'S COLLEGES, IRELAND.

7. The Expenditure as shown by the Account, is exactly equal to the Grant. The Comptroller and Auditor General points out that this result is due to the manner in which the arrangement made in 1876 for the remuneration of the Professors of the Colleges has been carried out under the directions of the Treasury. Under that arrangement the fees received from the Students are to be paid over to the Exchequer as extra receipts, and an equivalent is to be paid to the Professors out of the Vote. The total amount of fees received from the Students, and paid to the Professors, was 7,042 *l.* 9 *s.*, whilst the sums paid into the Exchequer, and charged against the Vote under Sub-head (E.) were in both cases 6,823 *l.* 1 *s.* 11 *d.* The Comptroller and Auditor General is of opinion that the sums actually received by the Professors in the course of the year ought to be paid into the Exchequer and charged against the Vote; and that consequently the Vote has been short-charged by the sum of 219 *l.* 7 *s.* 1 *d.*

8. Though the amount involved is small, the question is one of some difficulty. It was pointed out to your Committee that it is of essential importance that the Treasury should in no way give its sanction to payments out of a Vote in excess of the sum granted by Parliament. In this opinion your Committee entirely concur, and they think it right to express their satisfaction at the manner in which such excesses have been gradually diminished from year to year.

9. The course, however, which was adopted in pursuance of the directions contained in the Treasury Letter of 27th March 1878, of not paying into the Exchequer the total amount of fees received in the year, is, in their opinion, an undesirable one, inasmuch as the principle is important that all sums due to the Exchequer should be paid into it without unnecessary delay, and that all transactions should be concluded as far as possible within the financial year.

9. As, however, the Vote under Sub-Head (E.) only provided for "Remuneration granted to the Professors as the equivalents of Students' Fees paid into Her Majesty's Exchequer," they do not regard the Accounts as incorrect.

CLASS V.

VOTE 9.—TREASURY CHEST.

10. There is a Net Deficit of 4 *l.* 4 *s.* 11 *d.* upon this Vote.

CLASS VII.

VOTE 1.—TEMPORARY COMMISSIONS.

11. There is a Net Deficit of 557 *l.* 11 *s.* 6 *d.* upon this Vote.

12 *March* 1879.

PROCEEDINGS OF THE COMMITTEE.

Friday, 28th February 1879.

MEMBERS PRESENT :

Sir Walter Barttelot.	Sir John Lubbock.
Lord Frederick Cavendish.	Sir Charles Mills.
Mr. Hankey.	Mr. Seely.
Sir Henry Holland.	Sir Henry Selwin-Ibbetson.

Lord FREDERICK CAVENDISH was called to the Chair.

The Committee deliberated.

[Adjourned till Wednesday next, at Two o'clock.

Wednesday, 5th March 1879.

MEMBERS PRESENT :

Lord FREDERICK CAVENDISH in the Chair.

Sir Walter Barttelot.	Sir Henry Holland.
Sir Charles Mills.	Mr. Seely.
Mr. Hankey.	Sir John Lubbock.
Sir Henry Selwin-Ibbetson.	Mr. Cubitt.
Mr. O'Reilly.	Mr. Goldney.

The Committee considered the Civil Service Appropriation Accounts, Classes I.-VII.

Votes 8 and 18 of Classes III. and IV. respectively were postponed.

Mr. George L. Ryder, Mr. Charles Lister Ryan, Mr. Algernon B. Mitford, Mr. Allen Stoneham, Mr. Richard Mills, Mr. Francis B. Alston, Mr. John S. Lewes, Mr. Herbert, Mr. Suft, Mr. Henry Nicol, Sir Francis R. Sandford, Mr. William Tucker, Sir Edmond F. Du Cane, Mr. Norman MacLeod, and Mr. Reginald E. Welby, were examined.

[Adjourned till Wednesday next, at Two o'clock.

Wednesday, 12th March 1879.

MEMBERS PRESENT :

Lord FREDERICK CAVENDISH in the Chair.

Sir Walter Barttelot.	Mr. O'Reilly.
Mr. Hankey.	Sir Henry Holland.
Sir John Lubbock.	Mr. Seely.
Sir Henry Selwin-Ibbetson.	

The Committee considered the postponed Votes, Class III., Vote 8, and Class IV., Vote 18, of the Civil Service Appropriation Accounts.

Mr. *James C. Pinniger*, Mr. *Henry Nicol*, Mr. *Reginald E. Welby*, and Mr. *Charles L. Ryan* were examined.

DRAFT REPORT proposed by the *Chairman*, read the first and second time, and considered paragraph by paragraph, and *agreed to*, with Amendments.

Question, That this Report, as amended, be the First Report of the Committee to The House,—put, and *agreed to*.

Ordered, To Report, together with the Minutes of Evidence, and an Appendix.

The Committee also considered the Appropriation Accounts of the Revenue Departments and Post Office Packet and Telegraph Services, and of the Navy.

Mr. *Reginald E. Welby*, Mr. *Charles L. Ryan*, Mr. *Stevenson A. Blackwood*, Mr. *Robert G. C. Hamilton*, and Mr. *Follett Pennell*, were examined.

[Adjourned till Wednesday the 26th of March, at Two o'clock.]

MINUTES OF EVIDENCE.

LIST OF WITNESSES.

Wednesday, 5th March 1879.

	PAGE
Mr. George Lisle Ryder and Mr. Charles Lister Ryan - - - - -	1
Mr. Algernon Bertram Mitford - - - - -	1
Mr. Allen Stoneham - - - - -	2, 24
Mr. Richard Mills - - - - -	3
Mr. Francis Beilby Alston - - - - -	3
Mr. John S. Lewes - - - - -	4, 23
Mr. Herbert M. Suft - - - - -	4
Mr. Henry Nicol - - - - -	7
Sir Francis Richard Sandford, C.B. - - - - -	8
Mr. William Tucker - - - - -	12
Lieutenant Colonel Sir Edmond Frederick Du Cane, R.E., K.C.B. - - - - -	14
Mr. Norman MacLeod - - - - -	14
Mr. Reginald Earle Welby, C.B. - - - - -	18

Wednesday, 12th March 1879.

Mr. James Cockburn Pinniger - - - - -	26
Mr. Henry Nicol - - - - -	26
Mr. Reginald Earle Welby, C.B., and Mr. Charles Lister Ryan - - - - -	27

MINUTES OF EVIDENCE.

Wednesday, 5th March 1879.

MEMBERS PRESENT:

Sir Walter Barttelot.
Lord Frederick Cavendish.
Mr. Cubitt.
Mr. Goldney.
Mr. Thomson Hankey.
Sir Henry T. Holland.

Sir John Lubbock.
Sir Charles Mills.
Mr. O'Reilly.
Mr. Seely.
Sir Henry Selwin-Ibbetson.

LORD FREDERICK CAVENDISH, IN THE CHAIR.

CIVIL SERVICE APPROPRIATION ACCOUNTS.

Mr. GEORGE LISLE RYDER, and Mr. CHARLES LISTER RYAN, called in; and Examined.

Chairman.

1. (To Mr. Ryder.) You have a copy of the Treasury Minute on the First and Second Reports of the Public Accounts Committee of last year?—I have.

Chairman—continued.

2. Will you hand it in to the Committee?—I will (*handing in the same*). Mr. Ryder and Mr. Ryan.

5 March 1879.

CLASS I.

On Vote 2.—ROYAL PARKS AND PLEASURE GARDENS.

Mr. ALGERNON BERTRAM MITFORD, called in; and Examined.

Chairman.

3. IN paragraph 3 of the Comptroller and Auditor General's Report, he calls attention to the absence of any note on the Estimate on account of extra remuneration paid to officers in the department; can you state why no such Vote was appended?—It was an omission; it should have been appended.

4. But very careful instructions have been given by the Treasury to all the departments to supply this information; can you state the cause of that omission?—I cannot give any reason for it; it was an omission; a piece of carelessness.

5. On the part of your department?—I suppose I must take the blame for it; at any rate, we ought to have put it in.

On Vote 3.—PUBLIC BUILDINGS.

Mr. Seely.

6. There is a charge of 826*l.* 18*s.* 7*d.*, headed "Westminster Bridge Approaches," payment of legal expenses, being money paid into court 0.55.

Mr. Seely—continued.

under an Order of the Court of Chancery in respect of the purchase of certain property; can you explain anything about that?—There was a sum awarded to Lamb's Trustees, being for the purchase of the freehold of Nos. 32 and 33, Parliament-street, Nos. 14, 15, 16, 17, 18, 19, and 20, Bridge-street, and Nos. 1, 2, 3, 4, 5, and 6, New Palace-yard, Westminster. That sum amounted to 45,000*l.*, paid to the account of the Accountant General of the Court of Chancery at the Bank of England, and to the credit *ex parte* the Commissioners of Works; and the legal expenses incurred in the settlement of the cause only came in for payment during the year that we are now examining.

7. Is there any likelihood of the legal expenses going on year after year?—No; that is the end of it.

Sir Henry T. Holland.

8. And those legal expenses were fixed by the order of the Court, were they not?—Yes; we have nothing to do with that.

A

9. In

Mr. Mitford.

Mr. Ryder, Mr. Ryan,
and Mr. Mitford.

5 March 1879.

APPROPRIATION ACCOUNTS—Class I.

On Vote 12.

SURVEYS OF THE UNITED KINGDOM.

Chairman.

9. In the second paragraph of his Report the Comptroller and Auditor General states that the balance outstanding in respect of expenses for maps for the Landed Estates Court, Ireland, is now 11,504*l.* 11*s.* 9*d.*, having been reduced in the course of the year by the sum of about 1,000*l.* It appears that in the year 1876 this sum amounted to 7,475*l.*, which was estimated to show that those accounts were, on an average, two and a-half years in arrear; are any further steps being taken to reduce the long period for which those accounts have been outstanding?—The Committee was assured last year by the Treasury that they were taking steps with that object.

10. (To Mr. Ryder.) Can you inform the Committee what steps, if any, have been taken?—The land judges have issued a rule, which is printed in the Treasury Minute upon the Report of last year, and which, it is hoped, will have the effect of reducing the balance very considerably. Perhaps the Committee will permit me to read the rule: “With respect to surveys made by the Ordnance Department for the use of the land judges, when the account does not exceed 10*l.*, it shall be paid by the solicitor having the conduct of the sale before the rental maps are delivered to him by the Ordnance officer; in all other cases it shall be paid by such solicitor within one year from the delivery of the rental

APPROPRIATION ACCOUNTS—Class I.

Vote 12.—Surveys of the United Kingdom—*continued.*

Chairman—continued.

maps, if it shall not previously have been paid out of the produce of the sale. Every solicitor shall be personally responsible for the costs of any survey made in pursuance of an order issued at his instance.” The purpose of that rule was to insist upon payment before the maps were delivered in certain cases. Since that rule was communicated to the Treasury, the Treasury have suggested that perhaps the rule of prepayment might be extended to other cases, and a report upon the question has been received from Major Wilson, who is at the head of the Survey Department in Ireland, and that matter is still under consideration; but at present the rule that I have just read governs the practice.

Sir Walter Barttelot.

11. Why is prepayment required in certain cases, but not in all cases?—That is very much what the Treasury ask; the rule is one which applies to rental maps only, and the Treasury said they would like to see it applied to all maps issued by the Ordnance Department.

Chairman.

12. Could you inform the Committee, either now or on a subsequent day, as to the average period for which these accounts are outstanding?—I have no doubt that the information could be obtained.

On Vote 13.—HARBOURS, &c., UNDER THE BOARD OF TRADE.

Mr. ALLEN STONEHAM, called in; and Examined.

Chairman.

Mr. Stoneham.

13. THE Comptroller and Auditor General states that “a Supplementary Vote of 5,000*l.* was taken to repair the damage done to the Government pier at Dover by the storm of 1st January 1877. This amount, as stated by the Board of Trade in making their application to the Treasury, was to be expended as follows: 3,000*l.* in building a portion of the west wall, and the remaining 2,000*l.* to be applied to the partial recovery of the stone washed away”; and then he says that only 656*l.* 15*s.* of 2,000*l.* was actually expended in raising the stone, and that a much larger sum was expended in rebuilding that wall; have you any remark to make upon that?—A smaller sum was expended in recovering the *débris* than was anticipated, in consequence of difficulties arising, and consequently a larger balance was left, which might be expended upon the construction of works; and in that manner the Vote was exhausted.

14. But I presume that the money would sooner or later have to be expended in raising the stone?—Some more money would have to be expended, but not so much as was anticipated.

15. The total cost of the work will not be larger than the estimate?—I anticipate not.

16. (To Mr. Ryan.) In paragraph 3, the Comptroller and Auditor General states, “I have, however, to remark that the original Vote for 500*l.*, and the Supplementary Vote for 969*l.*, together 1,469*l.*, would not have met the

Chairman—continued.

expenditure, which amounted in the year to 2,773*l.* 18*s.* 9*d.*, had not the harbour dues been brought into the account”; does the Comptroller and Auditor General see any objection to the course which has been adopted?—No; only as the explanation given upon the Account does not fully meet the point, he has thought it desirable to allude to it in his Report.

17. The observation applies to the explanation, and not to the course which has been pursued?—Yes.

On Vote 18.

METROPOLITAN POLICE COURTS.

Chairman.

18. (To Mr. Mitford.) The sum required for the purchase of the Bow-street Police Court site had been provided for in a previous estimate, I believe?—Yes.

19. It had been anticipated that it would come into course of payment in a previous year, and consequently no provision was made for it in the Estimates of 1877–8?—It should have been for the purchase of leasehold interests rather than for the purchase of a site. We are really tenants under the Duke of Bedford, on a 99 years’ lease.

20. But an estimate for this expenditure had been submitted and approved by Parliament?—Yes.

APPROPRIATION ACCOUNTS—Class I.—*continued.*

Mr. Ryder, Mr. Ryan,
Mr. Mitford, and
Mr. Stoneham.

5 March 1879.

On Vote 21.—PUBLIC BUILDINGS, IRELAND.

Mr. RICHARD MILLS, called in; and Examined.

Chairman.

21. CAN you inform the Committee when the concluding payment for Spiddle Pier was made?—The precise date does not appear to be given in the correspondence with the Treasury; but it appears that the amount by which the grant of Parliament was exceeded was a very trifling sum, which escaped the notice of the Board of Works at the moment it was made. It was subsequently proposed to the Treasury to meet this amount out of a miscellaneous fund, the strictly legal application of which was doubtful, and the Treasury thought that, on the whole, it was better that the facts should appear as they occurred, and be brought in that shape to the knowledge of this Committee.

22. Can you inform the Committee what the penalty would be for exceeding the legal amount, and who is liable?—I am under the impression that in Acts of Parliament of that kind it is assumed that the Act will be loyally obeyed, and that there are no penalties in such a case.

On Vote 23.

BRITISH EMBASSY, HOUSES AND CONSULAR AND LEGATION BUILDINGS.

Chairman.

23. (To Mr. Mitford.) It appears by the note at the top of page 59, with respect to extra receipts, that the amount is greater than was anticipated, owing to the contribution by the Indian Government in aid of rents in China for the years 1872-73 to 1875-76 inclusive, having been received during the year; can you state why those payments were so long in arrear?—The claim was settled in 1877-78. The first intimation we had of it was from the Treasury in January 1876, when we were instructed to insert in Estimates a Sub-head for Rents in China, partly repayable from Indian revenues.

24. Had your office made claims previously?—Yes, in 1876-77.

On Vote 5.—FOREIGN OFFICE.

Mr. FRANCIS BEILBY ALSTON, called in; and Examined.

Chairman.

30. IN paragraph 2 of his Report, the Comptroller and Auditor General states that "the position of the Assistant Under Secretary as regards the provisions of the Superannuation Act (1859) and the Order in Council of 4th June 1870 is still unsettled"; has any decision been yet arrived at upon that subject?—The correspondence is still going on.

31. It has been going on, I believe, for two years; when was this officer appointed?—Two years ago, but the matter has made considerable advance. There are still some points under consideration before the Treasury, and I cannot say that the matter is settled, but I believe that considerable progress has been made towards a settlement.

0.55.

Chairman—continued.

25. Was any reason given for the non-payment?—The question lay between the Treasury and the India Office.

26. In many of the subsequent Reports of the Comptroller and Auditor General, cases of doubt appear to have arisen as to charges made against Votes such as the Diplomatic Service, instead of against Public Works; have those cases been brought under your attention?—There are cases of allowances in lieu of buildings, but everything is all straight so far as we are concerned; and I do not know of any question outstanding.

27. This question has not been recently under the consideration of your Department?—It has not.

[Mr. Mitford withdrew.]

CLASS II.

On Vote 1.—HOUSE OF LORDS OFFICES.

Chairman.

28. (To Mr. Mills.) The Comptroller and Auditor General states at the conclusion of his Report, that "the amount of extra receipts realised in the year 1877-78, was 34,245 l. 8s. 7d., but the amount paid over to the Exchequer was 32,439 l. - s. 7 d. only, as stated in the Account. A sum of 1,806 l. 8s. was deducted from the amount realised to provide for payment of superannuation allowances in excess of the interest on the Invested Fee Fund." This was an arrangement made at the time when the salaries of the House of Lords officers were first voted by Parliament, I believe?—Yes.

29. Would it not be desirable that there should be always appended to the account of this Vote a statement showing the sums paid on account of superannuation allowances out of these extra receipts, and also of the interest on the Invested Fee Fund?—I think that the Treasury would agree that that would be a very desirable addition to be made.

Sir Walter Barttelot.

32. It is more than two years; it is going on for three years, is it not?—It is.

Mr. Thomson Hankey.

33. Is there any chance of its being settled this year?—I should hope so.

Chairman.

34. Perhaps at a subsequent meeting of the Committee you will be able to inform them whether the question has been settled?—Perhaps so.

Sir Henry T. Holland.

35. Do you imagine that an Act of Parliament would be necessary for the purpose?—I imagine not; I believe that it is in the power of the Treasury to settle the matter under the Superannuation Act.

Mr. Alston.

Mr. Ryder, Mr. Ryan,
Mr. Stoneham, Mr.
Mills, and Mr. Alston.

5 March 1879.

APPROPRIATION ACCOUNTS—Class II.—*continued.*

On Vote 6.—COLONIAL OFFICE.

Mr. JOHN S. LEWES, called in ; and Examined.

Chairman.

Mr. Lewes.

36. IN the first paragraph of the Report of the Comptroller and Auditor General he states that, "The office of Under Secretary of State has been placed under Schedule B. of the Order in Council of June 1870, by Treasury Warrant, issued under the 4th section of the Superannuation Act of 1859, but the requirements of the Order have not been fulfilled as regards Assistant Under Secretaries. A correspondence, dated from November 1876, has taken place between my department and the Colonial Office on the subject, and I have been informed, under date of 24th December last, that the matter is still under the consideration of the Lords of the Treasury and the Secretary of State;" has any progress been made in respect of this matter?—The Secretary of State expressed his opinion to the Treasury, on the 30th January, as to the question, which is one as to the qualification of the Assistant Under Secretaries. There has been no answer received, so that the question does not, at present, rest with the Colonial Office.

Sir Henry T. Holland.

37. Was this question raised for the first time

Sir Henry T. Holland—continued.

in 1876?—I think it was raised for the first time by the Comptroller and Auditor General.

38. As you are aware, there were Assistant Under Secretaries appointed in the Colonial Office before 1876?—Yes, but it is a question of the qualifications of the legal assistants.

39. It is the case that the requirements of the Order in Council have not been fulfilled with regard to any of the Under Secretaries of the Colonial Office, is it not?—I believe that that is so.

40. And yet before 1876 there were three Assistant Under Secretaries?—There were. I really do not know when the question was first raised; I suppose none of them are entitled to pensions, according to the view of the Comptroller and Auditor General.

Chairman.

41. (To Mr. Ryder.) Can the Treasury state whether any decision is likely to be arrived at speedily with respect to this question?—In a very few days, I believe.

On Vote 7.—PRIVY COUNCIL OFFICE.

Mr. HERBERT M. SUFT, called in ; and Examined.

Chairman.

Mr. Suft.

42. WITH respect to quarantine expenses the Comptroller and Auditor General says, "This excess is caused by a repayment in the year 1877-78, to the Admiralty, of a sum of 983 l. 16 s. 9 d. for new moorings supplied in the year 1872 to quarantine vessels at the Mother Bank. It appears that in December 1873 the Privy Council called the attention of the Admiralty to this outstanding charge, which, however, was not settled until December 1877;" can you state the cause of this long delay in the settlement of this question?—It was simply a question whether the Admiralty would or would not allow for the old moorings which were returned, and they did not settle the matter until 1877; it was a question of account merely.

43. Have you continued to press for the payment?—No, we let it remain over from 1873 to 1877; we took no notice of it.

44. Did the Admiralty press you to make the payment?—The Admiralty supplied new moorings, and when the account came in, it was found that they had not allowed us for the old moorings that were returned. A correspondence then took place between the Admiralty and the Council Office, and the matter remained in abeyance. We asked them to send in the account in 1873, as we had a sum of money in hand sufficient to pay it, and they let it remain over. Whether they would not send it in, or could not, I do not know, but they left it over until 1877, and then they agreed to allow for the old moorings. (Mr. Ryan.) This

Chairman—continued.

is one of the outstanding balances on the Naval Account to which we called attention last year.

[Mr. Suft withdrew.]

On Vote 8.—BOARD OF TRADE.

Sir Charles Mills.

45. (To Mr. Stoneham.) Under Head V. there is a deficiency caused by five quarters' salary and commission being charged in a financial year; how did that arise?—It is a mere matter of account, I apprehend. The Bill drawn did not come in for acceptance within the period of the Account; it is the salary of the Registrar at Shanghai.

46. Then he received five quarters' salary in one year?—It was the mere matter of the payment of five quarters' salary within the year. The salary was not increased by the five quarters' payment.

Chairman.

47. On page 83 there is a note to this effect: "The Treasury have been written to for their sanction to charge the excesses on certain Sub-heads, amounting to 3,586 l. 17 s. 10 d., against the savings on another Sub-head of the Vote. Their reply will be communicated as soon as received." Has that reply been sent in?—It has.

48. And

APPROPRIATION ACCOUNTS—Class II.

Vote 8.—Board of Trade—*continued.*

Mr. O'Reilly.

48. And the charge has been sanctioned, I suppose?—Yes.

49. Are any steps being taken to legalise the payment referred to in the first paragraph of the Report of the Comptroller and Auditor General?—The opinion of the Law Officers has been taken as to the legality of the procedure of the Board of Trade, and they have given an opinion, which has been sent to the Treasury, and also to the Comptroller and Auditor General, stating that the course taken by the Board of Trade is within their powers.

50. Does that apply both to the payment of the salaries of the Examiners of Masters and Mates out of the Vote, and to the payment of the fees received for the examination of engineers into the Exchequer?—That reply applies to the Examiners of Masters and Mates. The payment of fees for the examination of engineers will be dealt with in an Act which we hope to pass this year.

51. Has a measure been introduced with that object?—It has not yet been introduced.

52. With respect to the second paragraph of the Comptroller and Auditor General's Report, the question of the remuneration of the salaried Procurators Fiscal has been under the consideration of this Committee for the last three years; has any progress been made with respect to it?—That has now been settled.

53. Can you put in a statement showing in what manner it has been settled?—The Treasury have agreed to the Board of Trade proposal that, except in exceptional cases, the salaried Procurators Fiscal shall only be employed under the direction of the Lord Advocate, and the payment for that work is included in the salary. A copy of the correspondence has been sent to the Comptroller and Auditor General.

54. (To Mr. Ryan.) That will remove the objections of the Comptroller and Auditor General, I presume?—Yes.

Chairman.

55. (To Mr. Stoneham.) Referring to paragraph 3 of the Comptroller and Auditor General's Report, has the Board of Trade taken any legal opinion with respect to its power to reverse the sentence of a Court as to costs or fines?—No legal opinion has been taken; but there is no doubt, I believe, as to the ability of the Board of Trade to revise the decision of a Naval Court in such cases. The point here is somewhat complicated, and therefore I ought not to answer it off-hand in that way. I had better explain that there were two charges in these cases against the master of the "Reciprocity." The first charge was, that he omitted to make proper entries in the official log, for which the Court fined him a sum of 45 *l.* The second charge was, that he did not take proper steps on the outbreak of scurvy on board his ship, to deal with it by running into the nearest port. The Court, for that offence, suspended his certificate and condemned him in costs. The Board of Trade, exercising what they believed to be their power, returned his certificate and remitted the costs. They communicated with the Treasury and the Treasury agreed.

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APPROPRIATION ACCOUNTS—Class II.

Vote 8.—Board of Trade—*continued.*Chairman—*continued.*

56. What has been done has been done under the sanction of the Treasury?—Yes, with the consent of the Treasury.

57. Would it not, in your opinion, have been desirable that as this payment was made under the Sub-head "Law Charges," a note should have been appended, calling attention to a payment of an exceptional nature?—That has not been the case hitherto. Such cases have been dealt with in the course of the current financial year. In the year 1877-78 two other cases have occurred in which the costs have been remitted.

58. (To Mr. Ryder.) Can you state what would be the opinion of the Treasury as to the desirability of a note of the nature suggested by the Comptroller and Auditor General?—I have no doubt that such a note would be desirable; no objection occurs to me.

Chairman.

59. (To Mr. Stoneham.) In paragraph 7 of his Report, the Comptroller and Auditor General states that, "under the Sub-head of 'Salaries' is included the salary of a railway inspector, Colonel Rich, at 1,000 *l.* per annum, who is also in receipt of retired full pay as an officer of the Royal Engineers, respecting which there is no note on the Appropriation Account or the Estimate"; can you state why that was?—That was an accidental omission.

60. Has the note been placed in the Estimates for the current year?—I am afraid not. The Estimates were sent in before the Report of the Comptroller and Auditor General was received.

On Vote 18.

THE MINT, INCLUDING COINAGE.

Chairman.

61. (To Mr. Ryder.) There are various small payments under Sub-head C., which the Comptroller and Auditor General does not consider come appropriately under that heading; can you state what the opinion of the Treasury is with respect to those payments?—I think the feeling of the Treasury was that the total amount of the expenditure was hardly enough to require a new Sub-head to be opened for it. It is, no doubt, true that whenever we anticipate travelling expenses to any great amount, we form them into a separate Sub-head; but there was no such Sub-head in the Estimate, and we thought that such a small sum would not require one.

62. But payments like 13 *l.* for coins and metals, presented to the Melbourne Library, and 11 *l.* 10 *s.* 6 *d.* for old English coins for the Mint Museum, do not fall under Incidental Office Expenses, do they?—I suppose it was considered that there was no other Sub-head that was more appropriate for such payments, than the Sub-head for Incidental Expenses. It is the sort of Sub-head that we resort to when there is no other better one.

On Vote 25.—STATIONERY AND PRINTING.

Chairman.

63. (To Mr. Ryder.) There is appended to the Report of the Comptroller and Auditor General
a statement

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Mr. Ryder, Mr. Ryan,
Mr. Stoneham, Mr.
Mills, Mr. Alton,
and Mr. Lewis.

5 March 1879.

Mr. Ryder, Mr. Ryan,
Mr. Stoneham, Mr.
Mills, Mr. Aiston,
and Mr. Levese.

5 March 1879.

APPROPRIATION ACCOUNTS—Class II.

Vote 25.—Stationery and Printing—continued.

Chairman—continued.

a statement of the value of stocks in the Stationery Department; would it not be desirable that there should be added to this account a statement of the stocks at the corresponding time last year, in order that the real expenditure on the Department might be ascertained?—I think that such a statement will be found in the corresponding account of last year.

64. But would it not be useful, for the purpose of comparison, that such a statement should be added to the Accounts each year?—It would be quite worth considering, but it had not occurred to me. (Mr. Ryan.) It would be quite possible in our Report next year to make a comparative statement.

On Vote 38.

THE LOCAL GOVERNMENT BOARD (IRELAND).

Chairman.

65. (To Mr. Ryder.) In paragraph 1 of his Report the Comptroller and Auditor General says, "There being no note to this effect in the Account nor in the Estimate, I have to observe that Mr. O'Brien, an inspector of the Local Government Board (Ireland), received 200*l.* for 'Temporary Commissions.'" I believe that is a Vote for which the Treasury is responsible, is it not?—It is.

66. Did they send the necessary information to the Local Government Board to enable them to append this note?—We certainly ought to have done so. I am afraid that we omitted to carry out our own regulation.

67. In the second paragraph of his Report the Comptroller and Auditor General says, "Payments for rent, ground rent, rates, taxes, and insurance are included in the Account. Such charges are usually paid out of the Vote for the Department of Works. A statement of houses occupied by the Local Government Board, for which the rent is defrayed out of the Vote 38, Class II., has been furnished by that Department, and is annexed." Do you know why those charges are included in the present Account, instead of that for the Department of Works?—It has been the policy of the Treasury to collect charges of that kind into the Public Buildings Vote, but I do not think we have carried out that policy quite completely; and diligent examination would, no doubt, show various little outlying charges which, perhaps, ought to come into the Public Buildings Vote.

68. Is it the intention of the Treasury to persevere in that direction?—I think so, unless there is evident reason to the contrary, as there may be in the case of the Vaccine Grant.

Mr. O'Reilly.

69. (To Mr. Ryan.) Under what head are these charges included in the Account?—I think that they would be classed under the head of Incidental Expenses. It was as a question of appropriation that the Comptroller and Auditor General raised this point. There being a distinct Vote for rents he thought that all rents should be charged under that head.

APPROPRIATION ACCOUNTS—continued.

CLASS III.

On Vote 2.

CRIMINAL PROSECUTIONS, SHERIFFS' EXPENSES, &c.

Chairman.

70. (To Mr. Ryder.) In the explanation of the causes of the variation between the expenditure and grant, at the bottom of page 160, the Accounting Officer states that, "This deficiency arose partly from an increase of salaries, resulting from a re-arrangement of the northern and north-eastern circuits on the death of the late clerk of the crown, Lancaster." Was that new arrangement sanctioned by the Treasury?—Yes, I think so.

On Vote 5.

PROBATE AND DIVORCE REGISTRIES OF THE HIGH COURT OF JUSTICE.

Mr. Thomson Hankey.

71. Is there any Account in which we can see the fees paid in the High Court of Justice?—In the Finance Accounts, under the head of Stamp Duties, you will see the amount of stamp duties collected in each Department by the Inland Revenue; it is more than the cost of the Probate Registries.

72. Do the fees paid in courts of justice generally in England exceed the cost to the public?—I should say not, if you take all the charges of the courts on the Consolidated Fund, such as salaries, &c., pensions of judges, and so forth.

73. Do they exceed the amount annually voted by Parliament?—I think if you join the Probate Division with the Queen's Bench and Chancery Divisions, very possibly you might find that they did exceed the Vote.

74. There is no Account delivered to Parliament, is there, in which we can see it stated what the fees are from any one particular Court?—Only one Account is kept of the Judicature Fee Stamps, and in the Estimates you will see a statement of the stamp duties under the account of the High Court of Justice; we put it under the Chancery Estimate.

75. Is there any Account delivered to Parliament showing what the total receipts from the different Courts are?—Yes, there is, besides what I have mentioned in the Finance Accounts, a distinct account showing the expenditure and receipts.

On Vote 6A.

WRECK COMMISSIONER'S OFFICE.

76. I thought the charge for the Wreck Commissioner was 3,000*l.* a year?—Formerly the charge was divided between two different Votes, but it is brought together for 1879–80.

APPROPRIATION ACCOUNTS—Class III.—*continued.*

Mr. Ryder, Mr. Ryan,
Mr. Stoneham, Mr.
Mills, Mr. Alston,
and Mr. Lewes.

5 March 1879.

On Vote 8.—COUNTY COURTS.

Mr. HENRY NICOL, called in; and Examined.

Chairman.

77. (To Mr. Ryan.) In his Report the Comptroller and Auditor General states that, "Pursuant to 9 & 10 Vict., c. 95, s. 46, the Treasury requires that the Registrar of each Court shall, within one month from the 31st March in each year, make up and forward to the Comptroller and Auditor General an account of all moneys paid over by him to the Treasurer of his Court, according to Form H. In regard to the Registrar of the Court at Newbury, I have to report that, notwithstanding his attention was drawn to the above enactment, and instruction by letters, respectively dated 13th June, 1st August, and 8th October 1878, the required account has not been received." Has that account been received now?—It has not been received, nor has there been any explanation why it has not been sent.

78. (To Mr. Nicol.) Can you state any reason why this Account has been delayed?—I cannot; the Newbury Court is not in my district; I am not the Treasurer; there is a Treasurer still, a Mr. Beck, but, of course, as it is a charge against Mr. Beck, he would not look after that return, nor should I if it had been my Court.

79. The Registrar is responsible, is he not?—The Registrar should make the return to the Audit Office direct, because it is a charge against his Auditor.

Mr. Thomson Hankey.

80. (To Mr. Ryder.) Will that return to which Mr. Ryan alluded give the total receipts for the County Courts?—I do not think that the County Courts are included.

81. (To Mr. Ryan.) Is there any separate Parliamentary Return showing the total receipts from the County Courts?—No, I think nothing but what can be gathered from the Vote which gives the amount of receipts.

82. (To Mr. Nicol.) Can you give us any information on this point?—It is mentioned under the head of Extra Receipts, 434,000 *l.*

83. What is the meaning of "Extra Receipts"?—Fees.

84. Do the extra receipts mean the ordinary receipts?—The fees.

85. What is the meaning of the word "extra"?—I really do not know. It is a term which has been used under the Exchequer and Audit Act.

86. (To Mr. Ryan.) Can you tell us what it means?—It is a term which has existed from time immemorial; I am not able to explain it. The term has been always used to apply to all sums received in the way of fees, or from other directions, coming in to the account of the Vote.

Mr. Seely.

87. (To Mr. Nicol.) To whom is the Registrar of the Court at Newbury responsible?—He is responsible to the treasurer, and his accounts are audited by the treasurer, Mr. Beck, of Northampton. He is responsible for that particular return to the Audit Office, because that is the

Mr. Seely—continued.

return by which the Audit Office charges the accounting officer of this Vote as having received certain moneys. I knew of it for the first time this morning by looking at that Appropriation Account.

88. If he refuses or neglects to send this Account, who can oblige him to send it or deal with him?—If the Comptroller and Auditor General had reported that gentleman to the Lord Chancellor for neglecting his duties, the Lord Chancellor would have known how to deal with him; he has power to remove him.

89. Then it is the Lord Chancellor who has control over him?—Yes.

90. And if persons similar to this registrar refused to send in their accounts, it would be the duty of the Audit Office to report the same to the Lord Chancellor?—I do not know that I can say that. It would be their duty, perhaps, to report it to this Committee.

Chairman.

91. (To Mr. Ryan.) You do not consider it your duty to report it to the heads of departments?—I do not. I think it is our duty in any matter of account which is prescribed in an Act, and in which the Accountant fails to comply with the requirements of the Act, to report the fact to Parliament, and the payment connected with it, as an improperly authorised charge.

Vote 13 was postponed.

On Vote 22.

LAW CHARGES AND CRIMINAL PROSECUTIONS, IRELAND.

Chairman.

92. (To Mr. Ryder.) Can you state whether this payment in connection with the Phoenix Park Riots of 1871 concludes the payment under that head?—I believe it does. I think that during the current year there has been nothing.

Mr. O'Reilly.

93. Was there no provision made in the Estimate for this expenditure?—The expenditure was always so uncertain that we thought it better not to put anything specific in the Estimate.

94. Did you put any head at all in the Estimate?—Yes; the arrangement was that it could be met practically out of fees and general law expenses. Under that heading you merely have money given to you by Parliament to meet all kinds of legal expenses; but for the information of Parliament, as this expenditure was of a very peculiar kind, it was arranged that it should be shown separately in the Accounts.

95. But under what head was it voted?—We did not put in any particular sum, but if anybody had asked the Treasury whether there was any money in the Vote that was applicable to those purposes, I think the Treasury would say, "Yes, under the grant for Fees and General Law Expenses."

Mr. Ryder, Mr. Ryan,
Mr. Stoneham, Mr.
Mills, Mr. Alston,
Mr. Lewes, and
Mr. Nicol.

5 March 1879.

APPROPRIATION ACCOUNTS—continued.

CLASS IV.

On Vote 1.—PUBLIC EDUCATION IN ENGLAND AND WALES.

Sir FRANCIS RICHARD SANDFORD, C.B., called in; and Examined.

Sir F. R. Sandford,
C.B.

Chairman.

96. THE Comptroller and Auditor General in his Report calls attention to various cases in which the Department has acted on its discretion in the grants which it has made; do you on behalf of the Department claim any discretionary power in respect of those grants?—Yes, under the Code as it is worded.

97. Would you point out the words which give you such discretionary power?—Under Article 17 the Education Department “must be satisfied that” so-and-so is the case.

98. Even in the case when it is absolutely certain that the condition has not been fulfilled, do you claim that the Department can be satisfied?—I do.

Mr. O'Reilly.

99. But that heading refers to the fact that the Department must be satisfied that certain things are the case?—Yes.

100. Do you contend that it is possible that the Department may be satisfied of a fact without the fact existing?—Yes, for administrative purposes. We should be brought to a standstill with our work if we had not the power of occasionally winking in certain cases.

Chairman.

101. For instance, Article 17 lays down the precise conditions to be fulfilled by the state of school premises, and defines the area and cubical space that they shall contain; even if you had reported to you that the cubical space was not in proper proportion to the number of scholars, you still hold that you can be satisfied that it is?—Yes, satisfied sufficiently to pay the grant.

Mr. O'Reilly.

102. Do you mean that you can be satisfied that the cubical space does exist when it does not?—We cannot say of course that there are eight square feet for each child if there are only seven feet or six feet; but for the purposes of administration we hold that a discretion is left with us. Those words were put in for the express purpose of giving us some discretion.

Sir Henry T. Holland.

103. With reference to the cubical space, I see the Code says that you must be satisfied that the school premises contain in the principal school-room and class rooms at least 80 cubical feet and eight square feet of area for each child; does not that rather point to the fact that whatever may be your discretion there is a minimum fixed of 80 cubical feet and eight square feet?—That is a fact which of course we cannot get over; but for administrative purposes we hold that it is impossible to insist upon the fulfilment of that condition in certain cases.

104. We are not arguing whether it is desirable that you should have a discretion, but whether you have it under these words?—In the old Code

Sir Henry T. Holland—continued.

the words were, “The grant is withheld altogether, or is refused, unless so-and-so is the case;” but that was altered when the new Code was framed in 1871. In former days, under the old wording, a discretion was exercised, or we should have come to a standstill with a great deal of our work. When the new Code of 1871 was issued we adopted, with the express purpose of claiming some discretion, and on advice that they were sufficient to give it, the present words, “The Department must be satisfied that so-and-so is the case,” and we have acted on that discretion ever since, while the Local Government Board who have the legal control of the auditing of school board accounts, support us in our view that these words give us discretion.

Mr. O'Reilly.

105. The Code reads that the Department must be satisfied that certain facts exist. Your reading of that is, that the Department must be satisfied that those facts exist, whether they exist or not?—In this special case; most of the other points are matters of opinion, I think.

106. Is it a matter of opinion that the first grant to a school is to be computed from the date of the first appointment of a certificated teacher, or is it a fact?—That is a fact.

107. Do you, or do you not, exercise a discretion as to calculating the salary from that date?—Yes, we exercise a discretion where the facts of a case require it.

108. Is not that, again, a case in which you are not satisfied that the fact is so-and-so, but in which you exercise a discretion; are there any other cases in which you exercise a discretion as to facts?—I daresay there are.

Chairman.

109. (To Mr. Ryder.) Has the Treasury considered this point?—I do not think that this particular question of discretion has been brought before the Treasury, and therefore I could not say for certain what view would be taken by the Treasury.

Sir Henry T. Holland.

110. The point as to the school premises is a very strong one, because it is not that you are to be satisfied that the school premises are well lighted, ventilated, drained and finished, but that at least a certain number of cubical feet of content and square feet of area must be allowed for each child?—It is a minimum certainly that ought not to be exceeded. But, in administering the grant so as to promote the education of a parish, is it more likely that we shall get a proper school for that parish by cutting off the grant altogether and perhaps stopping the school, or by saying to the managers, “We will pay this year; but next year, unless your accommodation has been increased, or your numbers reduced, you

APPROPRIATION ACCOUNTS—Class IV.

Vote 1.—Public Education in England and Wales—*continued.*

Sir Henry T. Holland—*continued.*

you will get no grant"? It is an administrative question.

Sir John Lubbock.

111. You think that they have a right to the grant if they fulfil the conditions?—If they fulfil the conditions to the best of their ability, and if they will go on trying to carry out the conditions fairly, I think they have a right to the grant.

Chairman.

112. You consider that where the public interest is concerned, the Department has a right to override its own rules?—Yes, administratively.

Mr. Seely.

113. And probably the Department will become more and more stringent as time goes on?—That is the way that it is worked. One year, perhaps, we fine them without refusing them the whole of the grant, and the next year we refuse the whole of the grant. It may go on for some time; perhaps for years. In London, for example, where the expenditure is very great already, and where they are building as rapidly as they can, it strikes me that it would be absurd to say that because you have half-a-dozen more children than your school will properly hold this year, or even for two years running, whilst other schools are building, you shall not have a grant.

Chairman.

114. Does not that imply that if your Code involves an absurdity, it would be better to revise the Code?—We thought, as I say, that the Code gave us discretion. We did not wish to claim it too boldly, because if we claimed a discretion and did not exercise it judiciously, as we hope we are doing, hardly any rule would stand.

115. (To Mr. Ryan.) Is it the contention of the Audit Office that the Education Department, like all other departments, is bound by Acts of Parliament and Orders in Council, and such other higher authorities?—It is clearly the view of the Comptroller and Auditor General that when there are such documents, laying down in distinct language what appear to him to be requirements, that if they are not complied with, it is, at all events, his duty to notice the fact.

116. In paragraph 3 of his Report, the Comptroller and Auditor General calls attention to the definition of an elementary school, and he says that, "the ordinary practice of the Department is, to require that the average fee paid in a school shall not exceed 9*d.* a week," and he points out an instance in which it appears that that ordinary fee was exceeded; have you any observation to make with respect to that?—Those words in paragraph 4 are taken from the Act of Parliament. I believe that the words even of Acts of Parliament, as well as of codes, are sometimes liable to question as to their interpretation. "The ordinary payments in respect of the instruction from each scholar," may mean several things, but the ordinary payment in respect of the instruction from each scholar, in nine hundred and ninety-nine out of a thousand of

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APPROPRIATION ACCOUNTS—Class IV.

Vote 1.—Public Education in England and Wales—*continued.*

Chairman—*continued.*

our schools, means that all the children, or the greatest bulk of them, are paying much less than 9*d.*, as there are only six children in ten thousand who pay above it. But cases will occur in which good schools for a certain class of people, charge 9*d.* all round as the general fee. Some children come in of a superior class who pay, we will say, 1*s.*, and if we went on our ordinary rule of working by the average fee, of course that upsets the calculation. Then we look at the case, and say, nine-tenths of the children here are paying 9*d.*, and that is the construction we will apply in this school. In the particular case in question, the average fee paid by the children at the end of the year, on the books of the school, was a little more than 9*d.*, 9½*d.* Some 29 or 30 children had left not very long before, whose names had been removed from the registers, but who ought to be taken into account among the numbers who had paid the gross amount of the school fees for the year, and we maintain that the payment was correctly made.

117. It was owing to an accident, as I understand, that the average fee exceeded 9*d.*?—Yes.

118. In all ordinary years in that school, the average fee would not have exceeded 9*d.*?—No.

Sir Henry T. Holland.

119. The word "average" is not in the Code, so that you were clearly right, because the ordinary payment for each scholar did not exceed 9*d.*, though it happened that a few scholars were taken in above 9*d.*?—Yes; I rather think that the Comptroller and Auditor General challenged that case, because it was a departure from our usual practice of taking the average fee, which covers, as I said, nine hundred and ninety-nine cases out of a thousand. In that case, we went upon a different basis.

Chairman.

120. In paragraph 6 of his Report, the Comptroller and Auditor General states, "that Article 17 (g), requiring school accounts to be correctly kept and audited before grants can be made, has been disregarded in more than one instance, but the Department has not afforded explanation why it is not invariably enforced"; have you any observation to make upon that?—Several cases were challenged. Though there is a question to be answered in the manager's return, and a certificate to be signed by the auditor, they are left blank in those cases. The Inspector, however, in his Report, said that the accounts had been properly kept and audited. The certificate was omitted to be signed, but having the Inspector's Report that the accounts had been properly kept and audited, we did not send back the Report. In one case, and, perhaps, in two, by accidental omission, I think the Inspector's Report was not so explicit; but still the account was not sent back. He omitted to state that the accounts were audited, and there was no signature of the auditor. It was an accidental omission that the Examiner did not return it to the managers.

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121. And

Mr. Ryder, Mr. Ryan,
Mr. Stoneham, Mr.
Mills, Mr. Alston,
Mr. Lewes, Mr. Nicol,
and Sir F. R.
Sandford, C.B.

5 March 1879.

Mr. Ryder, Mr. Ryan,
Mr. Stoneham, Mr.
Mills, Mr. Alton,
Mr. Lewes, Mr. Nicol,
and Sir F. R.
Sandford, C.B.

APPROPRIATION ACCOUNTS—Class IV.

Vote 1.—Public Education in England and Wales—continued.

Chairman—continued.

121. And it will not occur again?—No.

122. Was this general explanation afforded by you to the Audit Office, as to your being satisfied with the information received from the Inspector?—I do not know that it was.

123. (To Mr. Ryan.) Would that in any degree have altered the view of the Comptroller and Auditor General?—I think that if the Department had informed us that they had ascertained from the Inspector that the accounts had been audited, we should have been satisfied; but as it was, the only evidence that we had was that they had not been audited, because the paper did not show any certificate from the auditor. (Sir Francis Sandford.) The same paper showed that the Inspector said that the accounts had been audited.

Sir Henry T. Holland.

124. I suppose you have no reason to doubt that the accounts had been audited by the Inspector, even in the case where it was not mentioned?—I think in that case it was a pure omission altogether.

Chairman.

125. In paragraph 7 of his Report, the Comptroller and Auditor General says, "that Article 19, with the foot-note thereto, appears to require that medical authority should be furnished for the closing of a school on account of local epidemic. The production of a medical certificate under this regulation in support of the grant made is not considered necessary by the Department, provided it has been able to satisfy itself that a school was closed in consequence of local epidemic"; do you consider that the Code does not require you to insist upon a medical certificate?—I do not see that it is absolutely necessary under the Code. In the particular case that was referred to here of one of the large Board schools in London, where the papers were full of the accounts of the bad health of the locality, the managers themselves told us that the school had been closed by medical certificate, and the Inspector reported that such had been the case. I do not think the Code absolutely requires that we should call for a medical certificate.

126. What are the words of the Code?—"The school must meet 400 times in the year, but an exception is made to this rule if a school has been closed during the year under medical authority on account of local epidemic or for any unavoidable cause." We were told that it had been closed; the facts were notorious in the district; and in some cases the managers, exercising a very sound discretion, closed the schools to prevent the spread of disease. In some similar cases managers go to a medical authority afterwards to get a certificate, and he refuses to give it, because, he says, "you have done it already without coming to me." In other cases medical men have held that closing a school is not advisable in such cases.

127. (To Mr. Ryan.) Have you anything to say about this?—As the medical certificate is referred to in the note to the Code, and as it

APPROPRIATION ACCOUNTS—Class IV.

Vote 1.—Public Education in England and Wales—continued.

Chairman—continued.

would be very difficult for us to ascertain from mere notoriety what had been done, we thought it would, at all events, facilitate our examination if certificates were given.

Sir Henry Selwin-Ibbetson.

128. (To Sir Francis Sandford.) It is sometimes absolutely impossible to get such a certificate before you dismiss the children, is it not?—Quite so; I do not think that it is warranted, even by the letter of the Code, to say that the managers are to lose their grant, because in the interests of the children they have taken perhaps extra precaution; just as we should hold that managers ought not to lose their grants if they closed a school, not because there was a local epidemic, but because the teacher living on the school premises had been struck down by scarlet fever. That case is not strictly provided for by the words of the Code.

Chairman.

129. Where there has been difficulty in the way of obtaining a medical certificate, would there be any difficulty in a Department giving satisfactory evidence to the Comptroller and Auditor General that it had been necessary to close the school?—In the correspondence in this particular case, which was before the Comptroller and Auditor General quite as much as before us, because his officers have access to the reports, it was stated distinctly by the managers of the school that the school had been closed under medical authority.

Sir Henry T. Holland.

130. As a matter of fact no certificate is required; no mention is made of a certificate. It may be convenient for the Comptroller and Auditor General to have a certificate, but all that you have to satisfy him of is that the school has been closed under medical authority. This fact may be accepted on your authority or on that of the school managers?—Yes; that was one of the cases in which we thought we might accept evidence which was sufficient to satisfy us.

Chairman.

131. In paragraph 8, the Comptroller and Auditor General states that, "Articles 19 B. 1 and 19 B. 2 sanction higher rates of payment for children in an infant school, or infant class or department of a school, than those payable for scholars in an ordinary school, but that several cases have been noticed in which the prescribed limits of age have been exceeded." Have you any observation to make upon that?—That is one of the results of the present press of children into schools. Under the operation of the Education Acts, and especially during the last year of the Act of 1876, many children have been driven into schools who were properly placed in the infant schools, because they were sent there merely to learn their letters; they would have disorganised the juvenile school if they had been brought in there. We overlooked the fact (though perhaps again against the letter of the Code) that they were eight and nine years of

APPROPRIATION ACCOUNTS—Class IV.

Vote 1.—Public Education in England and Wales—*continued.**Chairman—continued.*

of age instead of being under seven, and we treated them as infants, which they were to all intents and purposes, except in age.

132. There is no question as to the propriety of the exercise of your discretion in these cases; the only question is whether there is anything in the Code which gives you a power of dealing with such cases?—We suppose that we have such a discretion.

133. Have you anything to say with respect to the 9th paragraph of the Report of the Comptroller and Auditor General?—I have nothing to say, except that I do not quite understand how we could examine a something between two boys and three boys; four-fifths of a boy in the special case cited.

134. The question is whether you should require a minimum or a maximum as laid down by the Code?—The Code says that 10 per cent. of the children examined must be presented in certain standards; 28 boys were examined, and we accepted two, and did not require three, or 10 per cent. of that number.

135. (To Mr. *Ryan*.) Have you anything to say with respect to this?—The view of the Comptroller and Auditor General is contained in the last part of the paragraph, in which he says, "It appears doubtful whether the Department should not maintain invariably the interpretation it has placed on the Article in some cases, and require that the full per-centage of scholars named in it should be presented in the higher standards before the higher rate of payment can be allowed." The action of the Department is not uniform in this matter; they have sometimes required three and sometimes two. We think that considering the spirit of the Act and of the Code, three should have been the number required instead of two, as a general rule.

136. (To Sir *Francis Sandford*.) Is it the case that the action of the Department has not been uniform?—In a case where the school has done well, we should pay upon two; but if there was any reason to think that a school was not doing its work very well we might strain the letter of the law against them, and I believe that, in some cases, we have done so.

137. Have you any observation to make with respect to paragraph 10?—Yes, there is one case that has been brought against us as to which we were challenged. The children ought to have been presented in the infant school and they were not, and the mistake appears to have arisen from the misdirection of the inspector as to the list in which their names ought to be recorded. The inspector, however, reported, "These children ought really not to have been brought up in the boys' school, but ought to have been kept in the infant school." If the six children from the infant school who failed in all the subjects were left out of the calculation, the number of passes would have slightly exceeded 75 per cent. The teacher wanted to work them up for the examination six weeks before the inspector came, and he thought that they would do him credit. They were really infant school children and ought to have been presented there, and the inspector ought to have sent them back to the infant school at the time of

0.55.

APPROPRIATION ACCOUNTS—Class IV.

Vote 1.—Public Education in England and Wales—*continued.**Chairman—continued.*

the examination, or to have had their names transferred to the list of infants.

138. In paragraph 11 of his Report the Comptroller and Auditor General says, "It appeared to me that the decision of the Department not to enforce the repayment of sums which, under the Code were admitted to be overpaid, partook of the nature of the abandonment of public claims, and that it should, therefore, be brought before the Lords of the Treasury, and receive their Lordships' sanction. The views of the Lords of the Treasury on this subject appear in the letter annexed to this Report"; will those directions be observed for the future?—Yes, because that was really from a misconstruction put upon a new article in the Code which it was thought came into operation at a certain date, but which ought to have been enforced at an earlier date. It will be observed in future.

139. Have you any observation to make with regard to paragraph 12 of the Report?—Out of 11 cases, eight in England and three in Scotland, which were challenged, seven I believe, on inquiry, were admitted to be right. That was one of the cases in which we had, as I said before, fallen back upon the discretion as to enforcing rules. We have put into the Code now an article allowing the grant to be refused which I hope will be held to give us some power in future.

140. With respect to the Supplementary Rules numbered 8 and 9, the Comptroller and Auditor General states in paragraph 13 of his Report, that it appears from the explanation received from the Department, "that the Supplementary Rules, so far as they are penal, have never been enforced as stringently as the articles of the Code;" is that the case?—Not to a very great extent, I believe; but that is another point in which we have certainly used considerable discretion. Let us take the case of a small school where the master teaches the elder children together in class, although they may be presented to the Inspector in two or three different standards; at the end of the year, if he takes care to write down the two eldest children as Class 1, the next two as Class 2, and the next two as Class 3, no question arises under the Code or under the Supplementary Rules. We do not think that the fact of his having omitted to satisfy this technical rule is sufficient ground for enforcing a fine.

141. But, as a general rule, do you consider that the Supplementary Rules have the same force as the Articles of the Code?—We have never insisted upon them so stringently; they are rather rules for organisation, and it is difficult to lay down in the Code rules which will suit any school, from a school of 20 children up to a school of 1,800 children; it would make the Code even more complicated than it is said to be now if we were to attempt to define everything.

142. By what authority are the Supplementary Rules passed?—They are attached to the Code, and the Code says that they have the same force as articles in the Code.

143. Are they Orders in Council?—No, they are submitted as Minutes to Parliament each year.

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144. (To

Mr. *Ryder*, Mr. *Ryan*,
Mr. *Stoneham*, Mr.
Mills, Mr. *Alston*,
Mr. *Lewes*, Mr. *Nicol*,
and Sir F. R.
Sandford, C.B.

5 March 1879.

APPROPRIATION ACCOUNTS—Class IV.

Vote 1.—Public Education in England and Wales—*continued.**Chairman—continued.*

144. (To Mr. *Ryan*.) Have you anything further to add on this point?—No; we think that as the Supplementary Rules receive the same sanction as Articles in the Code, they should be enforced in the same manner. (Sir *Francis Sandford*.) If they were vital rules they would be put in the Code itself; but they are rules of practice which it is very difficult to lay down so as to meet every class of circumstances.

Sir Henry T. Holland.

145. Still I do not exactly understand on what authority you deal with them in a different way from Articles in the Code?—It all comes back to this: that the system would come to a standstill if we had no discretion.

146. In truth it is a matter of the wording of the rules?—Yes.

Chairman.

147. In paragraph 14 of his Report the Comptroller and Auditor General states that, "Overpayments detected by the Department in the subsequent examination into all the circumstances under which grants have been made to schools, are not, as a rule, credited to the Vote or treated as Exchequer Receipts if discovered after the account of the Vote has been closed, but are deducted from the grants chargeable to the Vote for the ensuing year. It thus follows that the amount charged to the Vote for the year 1877-78 includes amounts which the Department admits

APPROPRIATION ACCOUNTS—Class IV.

Vote 1.—Public Education in England and Wales—*continued.**Chairman—continued.*

to be over-payments, whilst it is reduced by over-payments made in previous years, which have been deducted from the sum properly chargeable as grants to schools in 1877-78;" have you anything to say upon that point?—If the deductions to be recovered amount to 1*l.* or upwards, they are, as a rule, recalled from the managers and paid to the Exchequer; but if they are matters of 3*s.*, or 4*s.*, or 5*s.*, we deduct them from the grant paid to the school in the following year.

148. But only in cases where the amounts are very small?—Yes.

149. (To Mr. *Ryder*.) As a matter of account, do you consider that there is any objection to the course thus pursued?—Strictly speaking, the course suggested by the Comptroller and Auditor General would be the most correct; but I am afraid it would be very inconvenient to follow that course in the present case. (Mr. *Ryan*.) Perhaps I might be allowed to explain that the Comptroller and Auditor General does not object to the deduction of the sums from the payment to be made during the next year. All that he says is, that as a matter of account the Vote should represent exactly the expenditure which is chargeable to it. And moreover there would be no practical difficulty, by establishing a Suspense Account, in presenting the exact amount of the Vote according to the payments made. I am not quite prepared to admit that those sums are so small, or that they are all amounts under 1*l.*

Mr. WILLIAM TUCKER, called in; and Examined.

*Chairman.*Mr. *Tucker*.

150. Have you any observations to make to the Committee upon this subject?—The practice of the Department, although there may occasionally be an exception to the rule, is to recover all sums of 1*l.* and upwards at once; that is to say, we put as much pressure upon the managers as we possibly can, to pay back the sum; but in the event of the sum not being paid back before the grant of the following year is due, we are bound to save ourselves by deducting it from the grant.

151. Would there be any difficulty in following the course suggested by Mr. *Ryan* with respect to the accounts?—As a matter of account there would be no difficulty; but there would be some considerable labour and trouble in doing it, for these errors of minor amount are of pretty frequent occurrence, and it seems to the Education Department that the result would scarcely be commensurate with the labour, because the Exchequer would simply get the credit of the sums recovered a few months earlier than it would otherwise do; that is to say, instead of the sum being paid into the Exchequer as part of the surplus on the Vote at the end of the year, it would be paid in directly it was recovered; and that would also apply to sums credited to the Vote of the previous year.

152. (To Mr. *Ryan*.) That is the general rule with the whole Civil Service, is it not?—The general rule with the whole Civil Service is,

Chairman—continued.

that a vote represents the actual payments, and if there are errors or recoveries, they are not brought into the Appropriation Account of the Vote. (Mr. *Tucker*.) Our accounts are somewhat peculiar. The Vote which the Education Department administers is, a grant in aid, and if we were to charge the Vote with the whole sum, without reference to the deduction, we should charge the Vote with a greater sum than we pay to the managers of the school. The managers of the school have to introduce into their account, in the following year, the grant paid; and the grants introduced into the accounts of the school managers would consequently be different from the sum charged to the Vote.

153. (To Mr. *Ryan*.) Does that in any way alter your view?—I do not think that it does.

154. (To Sir *Francis Sandford*.) Referring to paragraph 15 of the Comptroller and Auditor General's Report, you have taken the same discretion as in certain other cases with respect to the point there mentioned as to the extent of the site, have you not?—Yes, and from the very beginning; but these building grants are disappearing, and the last one in England, I hope, will be paid this year. The wording of the Code is very strong that the site must not be less than 1,200 square yards; but if you take the case of a school in St. Giles', for which a grant of 3,000*l.* was made to build it, though the site was less than 1,200 square yards, it would not have been erected

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APPROPRIATION ACCOUNTS—Class IV.

Vote 1.—Public Education in England and Wales—*continued.**Chairman—continued.*

at all without that 3,000*l.* If we had said, "You must buy a quarter of an acre of ground, that alone would have cost 10,000*l.*, the promoters could not have met the condition, and they would have had no grant, and probably no school. Another case was the case of a small endowed school, opening on a village green, where we did not think it worth while to ask them to spend 200*l.* extra in buying adjoining cottages for the purpose of making a playground, with a view of their getting a grant of 85*l.*

On Vote 10.

PUBLIC EDUCATION, SCOTLAND.

155. In paragraph 2 of his Report, the Comptroller and Auditor General states that, "Under Sub-head C., Annual Grants for Day and Evening Schools, it was observed that teachers were employed as clerks or treasurers to school boards, but that information was not afforded as to the 'special grounds' for their holding these appointments, which, according to Article 15 B of the Scotch Code, would alone justify the Department in recognising teachers in these capacities." Did you supply the Comptroller and Auditor General with any information to show that the Department was satisfied as to those special grounds?—In the first place, I did not quite see that it was a matter of account, or that it entered much into any question which we were bound to answer. It is the recognition of a school board clerk. It struck me that that was an administrative article. We followed our usual practice in Scotland in what we call a one-school parish with about 300 inhabitants. Those were the special grounds upon which we thought we were justified, even without asking any questions, in recognising the teachers, assuming that we were bound to answer the question at all.

156. But if you had not been satisfied as to these special grounds, the teacher would have been disqualified, would he not?—We should have said, "You must get somebody else as clerk;" we should not have recognised the teacher in that capacity.

157. But should you have recognised him as a teacher?—No; we should have said, "The school cannot get a grant so long as the teacher is employed as clerk."

158. In that case, if the teacher had been disqualified, it would have been the duty of the Comptroller and Auditor General to have reported that the payment was not properly charged against the Vote, would it not?—I suppose it would.

159. Therefore he was entitled to ask you for information as to whether you had been satisfied as to the special grounds?—We should, I think,

APPROPRIATION ACCOUNTS—Class IV.

Vote 10 —Public Education, Scotland—*continued.**Chairman—continued.*

in the first instance, have been inclined to say, "We cannot correspond with the School Board through this man." The Inspector might possibly have gone there and found the school going on well, but the correspondence would have stopped till a new clerk was appointed. It would not have been a disqualification to the teacher like his not having a certificate, but we could not have carried on communications through him.

160. Would it have disqualified the teacher or not?—No; we might never have known about it, because the Inspector need not have gone to the school. It would not be a disqualification to the teacher, like the loss of his certificate, or anything of that kind.

161. (To Mr. Ryan.) Have you anything to add on this point?—If we had been informed that the Department had satisfied themselves that there were special grounds, it would have been sufficient for us; but when we were met with an answer which, I am happy to say, is very rare indeed, that they did not feel called upon to answer the question, we felt that we were bound to bring the matter forward, because, if we were to be met in such a way by the departments, our work would be greatly impeded.

Mr. O'Reilly.

162. I understand that, considering that it was a disqualification of the teacher, you merely wished to have an answer that the Department were satisfied of the existence of the grounds, and not of what the grounds were?—We wished to know that the Department were satisfied that there were special grounds.

163. (To Sir Francis Sandford.) Would not your Department be prepared to inform the Comptroller and Auditor General's Department that you were satisfied that there were special grounds in the case?—Certainly; what I objected to was discussing these special grounds with the Audit Office.

Chairman.

164. With respect to paragraph 4, as to the omission to insert certain provisions in leases, supposing that hereafter the Education Law in Scotland were relaxed, would not the effect of the omission of these provisions from the leases be that the public might lose the benefit of the building grants, and that some private persons might benefit to a similar extent?—No, because then I think the School Sites Act would come in. I do not think that Parliament would relax the law without making some provision to meet those cases.

165. But it is a state of things which is rapidly coming to an end, is it not?—It is.

[Sir Francis Sandford withdrew.]

Mr. Ryder, Mr. Ryan,
Mr. Stoneham, Mr.
Mills, Mr. Alston.
Mr. Leves, Mr. Nicol,
Sir F. R. Sandford,
C.B., and Mr. Tucker.

5 March 1879.

Mr. Ryder, Mr. Ryan,
Mr. Stoneham, Mr.
Mills, Mr. Alston,
Mr. Lewis, Mr. Nicol,
and Mr. Tucker.

APPROPRIATION ACCOUNTS—continued.

5 March 1879.

CLASS III.

On Vote 13.—CONVICT ESTABLISHMENT IN ENGLAND AND THE COLONIES.

Lieutenant Colonel Sir EDMOND FREDERICK DU CANE, R.E., K.C.B., called in; and Examined.

Chairman.

Lieut. Col. Sir E. F.
Du Cane, R.E., K.C.B.

166. IN paragraph 2 of his Report, under Sub-head D., as to Pay and Allowances to Prison Officers, the Comptroller and Auditor General says, "Under this Sub-head is included a payment in respect of an increase of salary to a temporary clerk in Fremantle Prison, Western Australia, amounting to 11 l. 18 s. 4 d., for which Treasury authority has not been produced. The accounting officer, being under the impression that he has received the requisite authority, has been requested to furnish a copy of the same, or otherwise to make application to the Treasury for sanction; pending the production of the authority, I am unable to report the sum of 11 l. 18 s. 4 d. as properly chargeable against the Vote"; has the authority now been received?—We have written out to Western Australia to ask them on what authority they paid it. We are under the impression that the Treasury gave their authority, and that it was mixed up with a great number of cases connected with the re-organisation of the service out there.

167. When are you likely to receive a reply?—We wrote out, I think, in December, so that it may be April or May before we get an answer.

168. IN paragraph 3 of his Report the Comptroller and Auditor General states, in reference to Sub-head W, "Freight and Carriage of Provisions and Stores," that "in the absence of a voucher or other proof of payment I have been unable to admit under this Sub-head the sum of 1 l. 13 s. as properly charged against the Vote"; have you any remark to make upon that?—That is something of the same kind. It was authorised by the Governor of Western Australia, and we have been obliged to write out to Western Australia for the vouchers.

169. And you probably will receive a reply on this subject at the same time as on the others?—We hope so.

170. (To Mr. Ryan.) Have you any observation to make with regard to this subject?—We have not received these vouchers.

171. (To Sir Edmond Du Cane.) Referring to paragraph 5 of the Comptroller and Auditor

Chairman—continued.

General's Report with respect to the sale of the yacht Victoria, I suppose the Convict Department have lost sight of this yacht?—We really know nothing at all about it; it is a sum that comes into our Vote simply for technical reasons. The yacht belonged to the convict establishment in Bermuda, which never was under us, and therefore, when the boat was sold, it was thought proper to transfer the amount to the only convict department that there was, so that we had to refer to the Colonial Office for information about it.

Sir Henry T. Holland.

172. With reference to C. 1, "Grants in Aid of Colonial Magistracy, Police, Gaols," &c., there is an excess of expenditure of 3,168 l. 12 s. 11 d., and the note is, "The sum taken was insufficient to pay two-thirds of the expenditure incurred by the Colonial Government, the proportion which the Imperial Government has hitherto paid"; was there any increase in the expenditure during that year?—No, it was not that; we did hope to decrease the amount that was given, but afterwards it was ruled that we could not, at the present moment, do so; the Imperial Government were under an engagement to pay two-thirds of whatever the colonial police cost, and therefore our estimate was based upon the hope of a decrease.

173. Will you also inform us what is "the different footing" upon which the service has been put from the 1st of April 1878?—Since that date, or some date about that time, it commenced to be put upon a footing of periodical decrease. A certain fixed sum, I think it was 14,000 l., was charged for the Police, and every year or two years it decreases by a certain fixed amount, so that it altogether expires in a certain number of years; it is no longer a system of paying two-thirds of whatever the colony choose to expend.

174. Has the Treasury approved of the footing upon which the service is now put?—Yes, that arrangement was made with the approval of the Treasury.

[Sir Edmond Du Cane withdrew.]

CLASS IV.

On Vote 2.—SCIENCE AND ART DEPARTMENT FOR THE UNITED KINGDOM.

Mr. NORMAN MACLEOD, called in; and Examined.

Chairman.

Mr. MacLeod.

175. IN the 1st paragraph of his Report the Comptroller and Auditor General states that, "Under Sub-head A 1 is included the sum of 3 l. 0 s. 5 d., paid as the annual increment of an officer from 29th October 1877, whereas I have no evidence of his appointment as a permanent inspector previous to 1st May 1877. Up to that

Chairman—continued.

date, as appears from the account furnished, and the correspondence annexed, the officer in question had been employed as an occasional inspector, and paid in accordance with the scale authorised. Under the circumstances, and in the absence of any specific authority, the sum would not seem to be properly chargeable against the Vote."

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APPROPRIATION ACCOUNTS—Class IV.

Vote 2.—Science and Art Department for the United Kingdom—*continued.*

Chairman—*continued.*

Have you any remark to make upon that?—This officer was appointed inspector from the 29th of October 1876, and performed the duties of the Science and Art Department from that date, but he was paid by the War Office up to the 1st of May 1877. There has been a correspondence with the Treasury lately upon the subject. I have a letter from the Treasury, dated the 8th of February 1879, in which they propose that the sum which had been paid by the War Office should be repaid to the War Office by our Department. I presume, therefore, that under those circumstances the Comptroller and Auditor General will pass what he has, according to his Report, disallowed.

176. (To Mr. *Ryan*.) Would that arrangement meet with the approval of the Comptroller and Auditor General?—Yes, that arrangement meets the objection.

177. (To Mr. *MacLeod*.) In the second paragraph of his Report the Comptroller and Auditor General points out certain payments, as professors' fees, which do not appear to have been sanctioned by the Treasury; have you any observations to make upon that?—The arrangement under which those fees are paid has existed for the last 15 years; I am not aware that it has been sanctioned by the Treasury, but the Treasury, I think, must have been aware of it.

178. (To Mr. *Ryder*.) Do you know what the Treasury propose to do in this matter?—The Treasury has not, I believe, sanctioned the committee mentioned here; I do not think that the matter has been brought officially before the Treasury. (Mr. *MacLeod*.) I believe the committee spoken of here was a general committee, which it was understood the Treasury intended to appoint for the purpose of going into a number of matters, of which this was one.

179. But this committee has never been appointed?—No, it has not.

Mr. *Thomson Hankey*.

180. When was that proposal made?—I think about two years ago.

Chairman.

181. (To Mr. *Ryan*.) Have those payments been passed by the Comptroller and Auditor General in previous years?—They have.

182. Did anything exceptional arise with respect to them, which caused them to be remarked upon for the first time?—They have been held in suspense practically, because it was understood that there was to be a Treasury inquiry into the matter.

Sir *Henry Selwin-Ibbetson*.

183. That would not apply to their having been allowed for a long course of years, would it?—No, they have not attracted our attention until the last year or two.

Chairman.

184. (To Mr. *Ryder*.) Is it still intended that this inquiry should be held?—I am afraid I am not acquainted with the subject.

185. (To Mr. *MacLeod*.) With respect to the insurance of certain buildings, the property of 0.56.

APPROPRIATION ACCOUNTS—Class IV.

Vote 2.—Science and Art Department for the United Kingdom—*continued.*

Chairman—*continued.*

Her Majesty's Commissioners of the Exhibition of 1851, it appears that the determination to take these buildings on the terms of insuring them was arrived at in March 1876; why was no provision made for it in the estimate of the year 1877-78?—The history of the transaction may be told in a few words. The Commissioners of the Exhibition of 1851 gave to the Department of Science and Art the use of those galleries free, with the simple condition that the Department should pay to the Commissioners of the Exhibition of 1851, 50 l. a-year for the purpose of insurance against fire.

Mr. *Thomson Hankey*.

186. Then it was, as far as fire was concerned, at the risk of the Commissioners of the Exhibition of 1851?—There was an insurance effected.

Sir *Henry Selwin-Ibbetson*.

187. I suppose the Commissioners of the Exhibition of 1851 have created an insurance, and charged you with 50 l. in part payment of their annual premium?—Yes, I believe that was the way in which it was incurred.

Chairman.

188. But this charge does not properly come under the heading "D. 6, Heating, Lighting, and Precautions against Fire," does it?—Yes, it properly came under that head, being a precaution against fire, that is to say, there would be a repayment in the event of a fire.

189. (To Mr. *Ryder*.) Would it not have been more in accordance with general custom, that this charge should have come under the Vote administered by the Office of Works?—I think so. (Mr. *MacLeod*.) The Treasury has sanctioned the payment by our Department.

190. With respect to the travelling expenses in connection with the Bethnal Green Museum, would it have been, in your opinion, more appropriate to have charged those expenses under the Sub-head belonging to Bethnal Green Museum?—No, I venture to differ entirely from the Comptroller and Auditor General on this point; and I think I am a far better judge on it than he can possibly be, because, having framed the Estimates, I know exactly what it was proposed to pay under particular Sub-heads. I should wish to remark that the Bethnal Green Museum is simply a branch of the South Kensington Museum, and the sums here referred to were really incurred for the South Kensington Museum, the articles exhibited at Bethnal Green being withdrawable at any time. There was no provision made under Sub-head F. 3 for the sums in question.

191. As I understand, these articles were not really procured for the Bethnal Green Museum, but were only temporarily placed there, it being intended that they should ultimately go to the South Kensington Museum?—Yes.

192. (To Mr. *Ryan*.) Would that alter the view of the Comptroller and Auditor General?—Yes, if we had clearly understood that these articles were not for Bethnal Green, but for South Kensington, of course we should not have raised

Mr. *Ryder*, Mr. *Ryan*,
Mr. *Stoneham*, Mr.
Mr. *Mills*, Mr. *Alston*,
Mr. *Lennox*, Mr. *Nicol*,
Mr. *Tucker*, and
Mr. *MacLeod*.

5 March 1879.

Mr. Ryder, Mr. Ryan,
Mr. Stoneham, Mr.
Mills, Mr. Alston,
Mr. Leves, Mr. Nicol,
Mr. Tucher, and
Mr. MacLeod.

5 March 1879.

APPROPRIATION ACCOUNTS—Class IV.

Vote 2.—Science and Art Department for the United Kingdom—*continued.*

Chairman—continued.

raised the objection. (Mr. MacLeod.) There was no provision whatever made in the Bethnal Green Vote for these services. (Mr. Ryan.) I might, perhaps, observe that we cannot know what the Accounting Officers have in their minds when they prepare the Estimates, and that we must go by the actual wording of them. If we find Bethnal Green in the Estimate we must go by that, even although the Accounting Officer in preparing the Estimate had South Kensington in his mind.

193. (To Mr. MacLeod.) Then there is the word "travellings," under the Sub-head F., "Branch Museum, Bethnal Green"?—That word "travelling" is not intended to cover these sums.

194. In paragraph 5 of his Report, the Comptroller and Auditor General states that "In the view of this Department it is desirable that in cases where specific heads of service appear in the Votes all payments that can be classified in accordance with such Sub-heads should appear as charges against them rather than against the Sub-head taken for incidental expenses. Against this Sub-head the Accounting Officer has charged certain sums expended for spirits, chemicals, &c., for which apparently provision is intended to be made under Sub-head F 5"; that is to say under the Head of "Furniture, fittings, materials, &c."; have you any observations to make upon that paragraph?—If the Comptroller and Auditor General will say that he could properly place spirits and chemicals under the head of "Furniture, materials, and fitting-up objects for Exhibitions," of course the spirits and chemicals which are referred to here might be charged against Sub-head F 5; but it was never intended that those articles should be charged against that Sub-head, and the words do not bear out that interpretation.

Mr. O'Reilly.

195. What were the spirits and chemicals used for?—They were used in the Food Museum for articles exhibited there, and they are, we think, properly chargeable against incidental expenses.

Chairman.

196. But they were articles exhibited, were they not?—Yes, they were exhibited.

Mr. O'Reilly.

197. Were they not fittings or materials; I do not say that they were furniture, but were they not fittings or materials?—They were used for preserving specimens, but not for fitting up objects for exhibition.

198. Were not the specimens for exhibition?—Yes.

199. And were not those spirits and chemicals used for fitting the specimens for exhibition?—We did not, in framing the Estimates, imagine that spirits and chemicals would come under that head of service.

Chairman.

200. (To Mr. Ryan.) Have you anything further to add upon this point?—I think that the Estimates should be clear upon these points, so

APPROPRIATION ACCOUNTS—Class IV.

Vote 2.—Science and Art Department for the United Kingdom—*continued.*

Chairman—continued.

that we should know how to classify these things.

201. (To Mr. Ryder.) With regard to paragraph 6 of the Comptroller and Auditor General's Report, was the Treasury aware, when the grant mentioned in this paragraph was made to Mr. Woodward, that the Sub-head would be exceeded?—I think the Treasury authorised the payment on the condition that the Sub-head should not be exceeded.

202. But did they not previously receive information that it would be exceeded?—It is quite true that the Treasury did sanction an excess of 210*l.* under Sub-head G., "Scientific Research"; they gave that sanction on the 23rd of August 1878.

203. And on November 27th they sanctioned this payment, on condition that that Sub-head was not exceeded?—I am afraid that there must have been some misunderstanding.

204. Should you, under these circumstances, consider the Department authorised in paying Mr. Woodward his 175*l.*, provided that the Sub-head was not exceeded by a sum larger than that previously authorised by the Treasury?—I think that sort of interpretation might be given to the letters. (Mr. MacLeod.) The explanation given by our Department is contained in the letter of the 24th of December 1878, marked G. "I am directed to inform you that the payment of 175*l.* to Mr. Woodward was not the cause of the excess, but that the excess was caused by the Treasury directing, in 1876-77, that the personal payments should be made quarterly. By this decision the Royal Society practically lost 1,804*l.* 18*s.* 6*d.*, which sum was repaid to the Exchequer, with the general savings upon the Vote for that year."

205. In paragraph 10 of the Comptroller and Auditor-General's report, mention is made of a very large number of extra payments and allowances made out of the Vote of the Science and Art Department to officers employed in other Departments; has the Science and Art Department had under its attention the very rigid rules laid down by the Treasury with respect to giving information as to all such payments?—Certainly; and the directions of the Treasury have been complied with. Every Department was communicated with by us, in accordance with the Treasury direction, but other Departments did not make similar communications to us.

206. Did you send information of all the payments mentioned in the first list?—All, with the exception of one as to 104 officers of the Royal Engineers, who are employed with Treasury sanction. A paragraph in Colonel Stanley's letter seems to me to touch the case of these officers: "No detailed mention need be made in the Estimates on account of extra payments to large bodies of men based on well-defined regulations." These payments were made to officers of the Royal Engineers, who acted as occasional examiners, in accordance with regulations made by the Treasury.

207. But in all other cases you have sent information to the Departments concerned?—I have

APPROPRIATION ACCOUNTS—Class IV.

Vote 2.—Science and Art Department for the United Kingdom—*continued.**Chairman*—*continued.*

have been over the List, and I find that we have sent to all.

208. But you have not received information from the other Departments of those sums paid to officers of your Department which are mentioned in the Second List?—Those payments have all been mentioned in Notes to the Estimates for 1879-80.

209. But you omitted to mention them in the Notes to the present Account?—Yes.

Mr. O'Reilly.

210. Why were they omitted?—They were accidentally omitted.

Chairman.

211. Have you any observation to make with respect to the 3rd List?—The whole of the 3rd List appears in the Estimates for 1879-80.

212. But those payments also were omitted from the present Account?—Yes. The List has apparently been drawn up incorrectly, for at the head of the List you find, "Officers of the Science and Art Department paid out of Votes for other Departments." But some of those named are paid in our Department; all, in fact, below "Instructor in Decorative Art."

Mr. O'Reilly.

213. Are they not paid out of the Votes for the Commissioners of Her Majesty's Works?—Yes, they are.

214. Will you point out the ones that are incorrectly stated?—Yes, all from "Head Master of National Art Training School," inclusive.

215. You mean, not that the statement is incorrect, but that they ought to be in the 2nd List, instead of in the 3rd?—Yes.

Chairman.

216. In paragraph 11 the Comptroller and Auditor General calls attention to the fact that several payments made for rent, furniture, fuel and light, have been paid out of the Vote for Science and Art, and he observes that such services are usually paid out of the Vote for the Office of Works; what was the cause of those payments being made out of the present Vote?—Those services have always been provided for in the Science and Art Estimates. It is not a question that I am prepared to enter into at present, but I believe the Lords of the Committee of Council would have weighty reasons to give against any change.

217. (To *Mr. Ryder*.) Is this one of the cases that is now under the consideration of the Treasury?—I do not know that the Treasury's attention has been specially directed to these particular cases, but it is one of those examples to which I referred of certain general principles not being completely carried out. There may be something to be said in favour of keeping these services under the Science and Art Department Vote, as giving to Parliament a better idea of their large expenditure.

Mr. Thomson Hankey.

218. Surely it would give the public a much better idea of the expenditure if it was put under 0.55.

APPROPRIATION ACCOUNTS—Class IV.

Vote 2.—Science and Art Department for the United Kingdom—*continued.**Mr. Thomson Hankey*—*continued.*

that Vote, than if it was put under the Vote of a different Department?—I should say that we have a Vote for the Science and Art Department Buildings, so that it would be possible to put it in there.

Chairman.

219. (To *Mr. MacLeod*.) Is there any clear line of demarcation between the sums which are charged against Vote 2, Class I., and those which are charged against the Science and Art Vote?—Certainly; the question was under the consideration of the Treasury some years ago. I have not the Papers with me just now, but there is a letter from the Treasury stating the line of demarcation.

On Vote 3.

BRITISH MUSEUM.

220. (To *Mr. Ryder*.) The Comptroller and Auditor General, in his Report, states that certain "expenditure for warming, ventilating, furniture, &c., in addition to the amount provided under Class 1, Vote IX., appears charged against the British Museum Vote for 1877-78, such charges being usually defrayed out of the former Vote;" do you know what is the reason of that mode of charging in this Account?—I am afraid I do not know, except that I presume that it was charged to the Vote in which provision was made for it.

221. Do you know whether the provision was made for it under two Votes?—My impression is that the provision made in the British Museum Vote for services of this nature is a provision of longer standing than the provision made in the Works Vote. I mean to say that you would find more precedent for charging this service to the British Museum Vote than for charging it to the Works Vote. I rather think that the practice of having a distinct vote for the works of the British Museum is comparatively a new one. For some years we have taken a Second Vote for Buildings, because we thought that as the Office of Works was responsible for that particular kind of expenditure, it should estimate for it and account for it.

Mr. Thomson Hankey.

222. Is it not very misleading to any person trying to ascertain what the expenses of the British Museum are, if he has to look over two or three different heads in the Public Accounts?—A person might easily make a mistake if he thought that the whole expenditure was in one Vote; but then he might make the same mistake in regard to almost any Department. We have a Vote for the Salaries of the Department, but the Works, and Stationery, and Pensions, are all provided in other Votes.

223. But the Salaries and Pensions of the British Museum are all under the head of "British Museum," are they not?—The Salaries are, but the Pensions you will find in the Superannuation Vote.

Sir Henry T. Holland.

224. (To *Mr. Ryan*.) At page 22, under the head of "British Museum Buildings," there is a charge

Mr. Ryder, Mr. Ryan, Mr. Stoneham, Mr. Mills, Mr. Alton, Mr. Lewes, Mr. Nicol, Mr. Tucker, and Mr. MacLeod.

5 March 1879.

Mr. Ryder, Mr. Ryan,
Mr. Stoneham, Mr.
Mills, Mr. Alston,
Mr. Lewes, Mr. Nicol,
Mr. Tucker, and
Mr. MacLeod.

5 March 1879.

APPROPRIATION ACCOUNTS—Class IV.

Vote 3.—British Museum—continued.

Sir Henry T. Holland—continued.

charge for "Fuel and Light;" why is that separated from this Vote for the British Museum for "Warming, Ventilating, and Fire-extinguishing Apparatus"?—I cannot explain it, but that was the reason which caused us to call attention to it. Two Votes, both relating to the same building, have provisions in them apparently of a similar nature; and if you wish to get at the cost of the British Museum, either as a Department, or as to its permanent buildings, you would expect to find all the charges in one of the two Votes, but not in both.

Sir Henry Selwin-Ibbetson.

225. (To Mr. Ryder.) Is it not possible that it may be in consequence of the doubtful items, some of which would naturally come under the head of the Board of Works, and some of which are foreign to their ordinary items?—I think that is so. We provide in the Works Vote for those services which are really conducted by the Office of Works. In the case of warming and heating, it will be observed that the fuel which is got by the Office of Works under their contract, is provided for under their Vote; but the fire buckets, and so forth, is a service administered by the British Museum, and they provide for it in their Vote.

226. The British Museum administers certain portions of this expenditure, whilst the Office of Works administers only those details which they do generally for the other public offices, including the British Museum?—I believe that is so.

Mr. Seely.

227. Would it not be feasible to put a note at page 22 to say, "For further expenditure on British Museum, see Vote 3, British Museum, page 262"; and at page 262, "Refer to page 22"; and then to include the whole of the expense of the British Museum at the bottom?—That certainly would be quite feasible, but it ought to be done for all the Departments if it is done for one of them. (Mr. Ryan.) It might be possible to put together the expenditure of the different Departments after it has been incurred,

APPROPRIATION ACCOUNTS—Class IV.

Vote 3.—British Museum—continued.

Mr. Seely—continued.

so as to show the actual cost of the service. We have considered whether if the Works Account were kept rather differently from what it is, we should not be able to show under each Department the amount expended for its furniture, so that anybody reading the Report of the Comptroller and Auditor General might be able to ascertain the exact cost of the service. It might require some little modification of the Accounts, and it would assist us very much if this Committee were to express an opinion in favour of the proposal. If the Departments would meet us in that way, we would endeavour to summarise the expenditure after it had been incurred. There are great difficulties in the way of giving an estimate to a Department which does not conduct the service. The principle has been established that the Vote should be taken by the Department which conducts the service, but if we were properly assisted by the Departments there would, I hope, be no great difficulty in our hereafter summarising that expenditure, and so showing it in the Report on the Account.

On Vote 14.

PUBLIC EDUCATION, IRELAND.

Chairman.

228. (To Mr. Ryder.) There is a similar question here with respect to Votes for Rents of Offices, School Buildings, and Model Farms; the Comptroller and Auditor General states that "The rents for buildings for public purposes in Ireland are in most cases provided for out of the Vote for Public Buildings, Ireland, Class I."; do you know what was the reason why those Votes were charged against the "Public Education, Ireland," Vote?—In the case of the model farms the reason must, I think, be that those model farms are wished to be self-supporting as much as possible. We state what the expenditure would be, and then we abate from the total the produce of the farms. It would be rather awkward if we had not brought all the expenditure together.

On Vote 16.—NATIONAL GALLERY OF IRELAND.

Mr. REGINALD EARLE WELBY, C.B., called in; and Examined.

Chairman.

229. WITH respect to payments for the purchase of pictures spread over more than one year, can you state what the opinion of the Treasury is?—The course of the Treasury as to the method in which it has dealt with this Vote is founded upon policy. The Grant towards the purchase of pictures for the National Gallery of Ireland was originally in aid of certain subscriptions, and the Treasury thought that it was decidedly desirable with a small sum of this kind not to leave an inducement to the managers of the Gallery to spend money, well or ill, before the close of the year; and that, if possible, it would be desirable to give them an opportunity of obtaining a good picture by making such an arrangement as that which has been described here. That was the

Chairman—continued.

object which they had in view when they laid down this rule, and it is an object which is thought worth obtaining.

Mr. O'Reilly.

230. That view is, in fact, contained in the letter marked (D.), is it not?—I believe so.

Chairman.

231. But is not this practice liable to the objection stated by the Comptroller and Auditor General, that it withdraws from Parliamentary control the expenses of any particular service, and pledges Parliament in advance to provide funds to meet engagements incurred without its knowledge and sanction?—No, I do not think so. I think

Mr. Welby, C.B.

APPROPRIATION ACCOUNTS—Class IV.

Vote 16.—National Gallery of Ireland—continued.

Chairman—continued.

I think that the Comptroller and Auditor General was bound, as he has done, to bring the case to the notice of Parliament and of the Committee; but the very fact of his doing so would prevent the National Gallery of Ireland, either with or without the assent of the Treasury, from taking any step which was really open to objection.

232. Are there any other cases in which similar deferred payments, so to speak, are made in order to avoid a Vote being exceeded?—In many cases where a public work is undertaken, we will say by contract, payment is made upon a certificate of the amount of work accomplished before the actual work itself is either finished or put into the possession of the Department. I do not know that I should press that argument particularly in this case, but undoubtedly that principle is admitted. I would rather rest the defence of this case upon the danger of giving an inducement with a small sum of this kind to the persons in charge of the National Gallery, to take care that the thousand pounds was spent before the 31st of March.

233. In this particular case the object is a good one, but is there not a danger in setting a precedent which would enable a Department to avoid an excess by deferring a payment?—I think that under the present system the Comptroller and Auditor General would report that case, and if ever the Committee saw that either the Department or the Treasury were pressing such a precedent unduly, they would have the opportunity of curbing them.

Mr. O'Reilly.

234. Is not the real fact of the case this: that there is an understanding with the Treasury that this small Gallery will receive a Vote, subject to the consent of Parliament, of 1,000 *l.* each year, and that, as a matter of fact, very frequently a picture cannot be purchased for 1,000 *l.*; but say that it can be purchased for 1,500 *l.*, they have every reason to believe that Parliament will vote another 1,000 *l.* next year, and that they must simply lose the picture if they do not undertake to purchase it for 1,500 *l.*?—Of course, that is one of the objections to strict adherence, in this case, to what I admit to be the rule.

235. Is there not this very considerable distinction between the case of a National Gallery in Ireland and the National Gallery in Trafalgar-square, that whilst Parliament has in other cases, and probably might again, vote very large Supplemental Estimates for the National Gallery in Trafalgar-square (in one instance amounting to 75,000 *l.*), it is morally certain that Parliament would not do anything of the sort in the case of the National Gallery in Dublin, while it will continue to Vote 1,000 *l.* a year?—I think that in the case of any large sum the rule for which the Comptroller and Auditor General contends is undoubted, and there will be no question about it. The only ground upon which I would defend the rule being relaxed in this case is that this sum provided year by year is very small, and the difficulty of getting pictures that I should think the National Gallery of Ireland would purchase, would be very great, without some such arrangement as this, unless they adopted the somewhat cumbrous method of con-

0.55.

APPROPRIATION ACCOUNTS—Class IV.

Vote 16.—National Gallery of Ireland—continued.

Mr. O'Reilly—continued.

stantly coming to Parliament for a Supplementary Vote.

236. Am I right in concluding from this letter, that the Treasury are of opinion that sufficient practical control will be effected by the arrangement which they have suggested, namely, the authorities of the National Gallery of Ireland should always communicate with the Treasury, if possible, before they enter into any such arrangement?—Certainly.

Mr. Cubitt.

237. There appears to be 1,800 *l.* still due, which more than absorbs the amount for the current year; would it be possible for the National Gallery to make further contracts for pictures before that money is paid off?—I do not think it would be right for the National Gallery to pledge itself, without reference to the Treasury in the first instance, when it has already so heavy a liability upon it; I think that the Treasury would object to their committing themselves further.

Mr. O'Reilly.

238. Might I not add further that they have no power of making any binding contract at all?—It would be quite impossible for them to do so, because Parliament may not vote the money.

239. They do it at their own proper risk?—Quite so.

Sir Henry T. Holland.

240. Are you prepared to go as far as the Treasury do in their letter of the 8th July 1878, at page 296, in which they say that they "are of opinion that you should never incur any liability when it can possibly be avoided in excess of the sum voted by Parliament for the year, without first obtaining the sanction of this Board, and that should it be an impossibility to take the previous pleasure of my Lords, the matter should be reported immediately afterwards"; do you not think that it would be safer, as a rule, to say that in all cases the previous pleasure of their Lordships should be taken?—Yes, I think it would.

Sir Henry Selwin-Ibbetson.

241. Might there not be a great difficulty in a case of this sort: a picture coming into the market with a number of competitors and an offer made, which they must close with at the moment or lose the picture; the correspondence with the Treasury, under such circumstances, might practically lose to the country the picture that they wanted to obtain?—I think that in a very difficult case of that kind a public officer would have to act rather upon his own responsibility.

242. Is not that practically what the Treasury meant by that paragraph in their letter in which they approve of the discretion, but require a report to be made to them immediately on the exercise of the discretion?—Yes, but the discretion is given in rather large terms, and I thought it was to that to which the honourable Member called attention.

Mr. Seely.

243. It appears from the remarks of the
c 2 Comptroller

*Mr. Ryder, Mr. Ryan,
Mr. Stoneham, Mr.
Mills, Mr. Alston,
Mr. Lewes, Mr. Nicol,
Mr. Tucker, Mr.
MacLeod, and Mr.
Welby, c.s.*

5 March 1879.

Mr. Ryder, Mr. Ryan,
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5 March 1879.

APPROPRIATION ACCOUNTS—Class IV.

Vote 16.—National Gallery of Ireland—continued.

Mr. Seely—continued.

Comptroller and Auditor General that the practice with regard to the National Gallery is that when a Vote on Account is taken, before that Vote is taken Parliament is informed what the total cost of any particular work will be?—Yes.

244. Is not that the contention of the Comptroller and Auditor General?—Do I correctly understand the honourable Member to mean that for the amount which is voted yearly for the purchase of pictures, it is stated beforehand what pictures are to be bought?

245. Not what pictures are to be bought, but what is the amount of liability incurred beyond the Vote that is taken; for instance, supposing that a picture of the value of 10,000*l.* is about to be purchased, and that 2,000*l.* is taken on account for that year, then that further sum of 8,000*l.* would be deferred until succeeding years?—That is the principle in the case of the National Gallery of Ireland.

246. The Comptroller and Auditor General says this: "Similarly in the case of works carried on with voted moneys, although the actual sums required are alone voted in each year, Parliament is informed of the entire cost of the work before any Vote on account is taken, and subsequently the amount estimated and the amount expended are shown in each year's estimate"—That is quite true. In the case of public works, for instance, the total cost of a building is shown, and so much of that cost as would be required for the year is the amount which is inserted in the Estimate.

247. Does not this remark of the Comptroller and Auditor General apply to works of art as well?—No, I do not think so. (Mr. Ryan.) Perhaps I might explain that it was meant rather as a question of analogy with reference to payments on account, to give the practice pursued where payments are necessarily made on account, as in the case of works. The intention was to show how, in other analogous cases of part payments, the matter is dealt with. It could not be so dealt with in this case, because you cannot state beforehand what will be the value of a picture which you have not bought.

On Vote 18.

QUEEN'S COLLEGES, IRELAND.

Chairman.

248. (To Mr. Welby.) The Comptroller and Auditor General states in his Report, that there is a deficit of 219*l.* 17*s.* 1*d.* upon this account, instead of its exactly balancing; have you any observation to make with respect to that?—Some time ago the Irish Government thought it desirable that an arrangement should be made whereby the fees received by the professors should be paid into the Consolidated Fund, a corresponding amount being issued out of the Vote to the professors. That was an arrangement agreed to by the Treasury, and the intention was that the sum paid out of the Vote should not exceed the sum received on account of fees. I ought to mention that in the previous year it will appear that the sum paid out of the Vote exceeded the sum granted. But that was an error; it was

APPROPRIATION ACCOUNTS—Class IV.

Vote 18.—Queen's Colleges, Ireland—continued.

Chairman—continued.

done by accident, and contrary, I believe, to the Treasury directions in the matter. I only mention that because it appears that there had been such an excess admitted upon the Sub-head in the previous year. The principle upon which the Treasury assented to the arrangement was, that the sum paid out under this Sub-head should not exceed the amount of the receipts. That being the case, the view which the Treasury would take of this would be, that there is no excess upon the Vote, that the sum received should be the sum paid, and that this amount to which the Comptroller and Auditor General has called attention should be adjusted in the next year.

249. Have you a copy of the Minute or Regulation under which this question was decided?—I have not.

250. Was this question dealt with by Treasury Minute?—It was a proposal of the Irish Government, assented to by the Treasury.

Chairman.

251. (To Mr. Ryan.) Have you anything further to observe upon this point?—I should wish to observe that Mr. Welby's principle might work if it was worked as a whole. If you deduct the amount of the fees on one side, and the amount of the expenditure on the other side, of course you would not have, as in this case, a deficit; but it does not seem to be a correct principle to introduce a portion of the expenditure, and only a portion, and then, when you find that there is a deficit, to strike off the amount both from the Exchequer receipt, on the one side, and from the expenditure on the other.

252. (To Mr. Welby.) Do you consider it a good principle that remuneration should be paid to any of these professors partly out of a Vote and partly out of fees?—I believe that the intention of the Irish Government was that these fees should be paid into the Exchequer, and that the total remuneration which the professors received should be shown upon the face of the Vote.

253. But I understand you to say that the arrangement which was sanctioned by the Treasury was, that a certain sum should be taken by Vote for this remuneration, and that, as far as possible, the remuneration should be supplied from the Grant; but that if the sum taken was not sufficient, then any deficit should be supplied out of the fees?—What I endeavoured to convey was, that the public Exchequer should not bear a larger sum than it received in respect of this particular subject.

254. But, as I understand, this is not a question of the public Exchequer ultimately; it is a mere question whether the whole of these fees should be paid into the Exchequer as Exchequer receipts, or whether a part should be stopped on their way and paid to the professors, owing to the Vote not having been sufficient for the purpose?—As I understand, the whole of this amount had not been received into the Exchequer; it had been received into the Cash Account of the Department, but it had not been transferred to the Exchequer. (Mr. Ryan.) An abatement was made from the amount due to the Exchequer

APPROPRIATION ACCOUNTS—Class IV.

Vote 18.—Queen's Colleges, Ireland—*continued.**Chairman—continued.*

Exchequer corresponding to the amount of the excess upon the Vote.

255. That is to say, a certain amount of those fees were stopped on their way to the Exchequer, and paid straight to the Professors?—They were practically paid to the credit of the Vote. If the whole amount of the salaries of the Professors had been charged, as they should have been charged, to the Vote which professes to make a provision for them, it would have caused an excess. On the other hand, the Exchequer Extra Receipts would have been increased by the same amount, consequently the Exchequer, as a receiving fund, has no interest in the matter. It is a matter of account; but the deficit upon the Vote is concealed by applying the money which, according to the regulation laid down, should, as we contend, have been paid into the Exchequer.

256. Have you a copy of the Regulation?—No, but the substance of it is given in our Report for this year. (Mr. *Welby*.) The money had not been brought to the account to the satisfaction of the Accounting Officer at the time, and it is a matter which stands over for adjustment to the ensuing year.

257. (To Mr. *Ryan*.) As I understand, the Comptroller and Auditor General states that, in fact, these Professors are paid more than the 6,823*l.* 1*s.* 11*d.* recorded in this account?—More than the sum charged against the account by 219*l.* 7*s.* 1*d.*, which, in our view, causes an excess upon the Vote.

258. They were paid 219*l.* 7*s.* 1*d.* more than the sum recorded in the account, which sum was supplied out of the fees paid by the students?—That was the case, and a corresponding amount of fees were detained on their way to the Exchequer. (Mr. *Welby*.) The Professors received those fees from the students up to the amount of 7,042*l.* 9*s.*; but the adjustment with the Exchequer which ought to have taken place, only took place to the extent of 6,823*l.* 1*s.* 11*d.*

Mr. O'Reilly.

259. Ought not the whole sum of the fees to have been paid in as extra receipts?—Yes, and it will be so paid; but as a question of fact it had not been done on the 31st of March, and, therefore, the Accounting Officer would not put it into his account; but the adjustment will be made in the current year.

Chairman.

260. The account does not show the sum received by those Professors in the course of the year?—It does not show the full sum which they have received into their hands during the course of the year.

CLASS V.

On Vote 1.—DIPLOMATIC SERVICES.

Chairman.

261. (To Mr. *Alston*.) Have you anything to say with respect to the observation of the Comptroller and Auditor General, in paragraph 3 of his Report, where he says that, "Without concurring in the grounds given for this decision, which I

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APPROPRIATION ACCOUNTS—Class V.

Vote 1.—Diplomatic Services—*continued.**Chairman—continued.*

hold to be at variance with strict appropriation, I am of opinion that in any case a note should have been appended to the Appropriation Account, explanatory of the course pursued, and showing that the allowance for the Chancery premises is supplemental to the provision made under Class 1, Vote 23, for the Embassy Buildings at Rome"?—It would have been quite right to have put such a note.

262. Have you any observation to make with regard to paragraph 4, as to the want of uniformity in the mode of charging the expenditure for the maintenance of buildings and gardens?—It is part of a somewhat large question respecting which we are in communication with the Treasury. The principle contended for by the Treasury that all charges in the nature of tenants' repairs should not be defrayed out of public funds is a principle which, we think, it would be impossible fully to carry into practice as regards our Diplomatic Establishments.

263. But these charges appear to be partly defrayed out of the Vote for the Office of Works, and partly out of the Diplomatic Vote?—They are so; the expenses of buildings only have been transferred to the Office of Works.

264. Do you mean that that is to be so for the future?—It has been so for some years past. It has also been proposed that the expenses of such gardens as are paid out of the public funds should be transferred to the Office of Works, but the Office of Works has shown a great disinclination to accept those charges. The Office of Works says that it thinks the expenses should be paid by the occupants of the houses, but the Foreign Office does not agree to that view. The Secretary of State could not consent to any arrangement which should operate in diminution of an Ambassador's or Minister's salary, and that of course would be the case if the expenses of the gardens at Constantinople, for instance, were thrown upon the Ambassador; his emoluments would be reduced by the amount of the cost of those gardens, which is very heavy.

265. Supposing that the Office of Works was ready to pay those sums, do you consider that that would be the right Department to deal with the matter?—We should have no objection whatever to transfer the expense to the Office of Works if the Office of Works were ready to accept it.

266. (To Mr. *Welby*.) Which Department does the Treasury consider should deal with these questions?—The Treasury would prefer that they should be dealt with, as far as possible, by the same Department; but before expressing an opinion as to which of the two Departments ought to take them, I think the Treasury would wish to have communication with the Board of Works upon the subject.

267. You would not consider it desirable that there should be no principle in the matter, but that the Department which was willing to incur the expenditure should do so?—I should like to see a proper principle adopted.

268. And you would agree that there ought to be uniformity in dealing with these accounts?—So far as is practicable.

269. (To Mr. *Alston*.) Have you anything to say

c 3

Mr. *Ryder*, Mr. *Ryan*,
Mr. *Stoneham*, Mr.
Mills, Mr. *Alston*,
Mr. *Lewis*, Mr. *Nicol*,
Mr. *Tucker*, Mr.
MacLeod, and Mr.
Welby, c.n.

5 March 1879.

APPROPRIATION ACCOUNTS—Class V.

Vote 1.—Diplomatic Services—*continued.**Chairman*—*continued.*

say with respect to this sum of 1 l. 16 s. which the Comptroller and Auditor General states in paragraph 5 appears to have been in excess?—It is in excess. (Mr. Ryan.) It has been subsequently adjusted, and will now be admitted.

270. (To Mr. Alston.) Have you any observation to make with respect to the charge for Sir Arnold Kemball's expenses?—The view of the Foreign Office is stated in the correspondence. Sir Arnold Kemball was an officer employed on the Turco-Persian Boundary Commission. He was receiving a commuted allowance of so much a day as the British Commissioner. The duties of the Commission were interrupted, and advantage was taken of Sir Arnold Kemball's presence at Constantinople to send him to the Servian frontier, where he rendered service in a military capacity. The question is, whether under those circumstances the salary which he was drawing as Commissioner on the Turco-Persian Boundary Commission should cease, and a salary should have been issued to him by the War Office in respect of his duties as Military Commissioner. The Foreign Office has no objection whatever to such transfer being made, and we wrote some time ago to the Treasury to ask what the view of that Department upon the subject would be; but the Treasury has not yet replied.

271. (To Mr. Welby.) Has the Treasury arrived at any decision upon this point?—The Treasury attached very considerable weight to the opinion expressed by the Comptroller and Auditor General; but before answering the Foreign Office they considered it right to communicate with the War Office, upon whom the charge would fall, and at the present moment they have not received an answer from the War Office. (Mr. Alston.) I should mention that a portion of the payment made to Sir Arnold Kemball has been already charged, and passed in a previous Appropriation Account.

272. But then he was in the service of the Foreign Office, was he not?—He was, and he has been in their service up to the time of his resignation. His duties were only interrupted.

273. But he was actually engaged in his duties as Turco-Persian Boundary Commissioner at the time when the previous payments were made, was he not?—Yes, but the payments continued to be made to him after those duties were interrupted.

274. (To Mr. Ryan.) Certain payments are mentioned by the Comptroller and Auditor General in paragraph 7 of his Report; is he of opinion that those payments would be more correctly charged to Vote 23, Class I.?—Yes, the Vote for the Embassy Buildings, as maintained by the Office of Works, should, I think, bear all the charges connected with them; that is to say, the charges for fuel and light, and lighting and cleaning.

275. (To Mr. Alston.) Have you any observation to make upon that?—As to the second item, namely, the 500 l. for lighting and cleaning, I should observe that that allowance represents services which formerly, down to the year 1872, I think, were charged upon the Vote of the Office of Works; and in 1872 those services were transferred from the Office of Works to the Foreign Office.

APPROPRIATION ACCOUNTS—Class V.

Vote 1.—Diplomatic Services—*continued.**Chairman*—*continued.*

276. The lighting and cleaning would not be under the personal superintendence of the Office of Works, I suppose?—It was always so down to 1872. There was a clerk of the works at Paris, under the Office of Works. We did not superintend those services.

277. Has the Office of Works an officer there at present?—I believe not.

Mr. Thomson Hankey.

278. (To Mr. Ryan.) With regard to the Vote for "British Embassy Houses and Consular and Legation Buildings," there is a reference made to that in paragraph 7 on page 309, on the Vote on "Diplomatic Services," to which the noble Lord has alluded; but there is further, "Constantinople: charges for gas and coals, and also for chapel; Lisbon: rent of summer residence; Tehran: allowances for fuel and light to native servants;" but no sum is put against them; what is the meaning of that?—The sums fluctuate so much that it is impossible to put any sums actually charged, and the object of calling attention to it was more to raise the question of the principle of uniformity of Estimate and of Account.

279. (To Mr. Alston.) Does the same rule apply to Constantinople and to other Embassies as applies to Paris, that the Government finds fuel and light, and lighting and cleaning?—The circumstances are not quite similar, and for this reason: In the case of Paris, two allowances of 1,000 l. and 500 l. respectively are assigned to the Ambassador for specific services, but they may be practically regarded in the light of additions to his salary. At Constantinople, at Lisbon, and at Teheran the sums actually expended are charged, and that is no doubt what Mr. Ryan meant by saying that he had not inserted the amounts.

280. But what I want to know is, whether that 1,000 l. and that 500 l. form any part of the 3,632 l. mentioned in page 58 as expenses incurred at the British Embassy at Paris?—No, those are totally distinct charges; these are allowances charged in the Diplomatic Vote.

Sir Henry Selwin-Ibbetson.

281. In this case the Ambassador provides his own fuel and light, and lighting and cleaning, and for that he gets an allowance?—Yes.

Mr. Thomson Hankey.

282. In fact it is in addition to his salary?—Yes.

On Vote 2.—CONSULAR SERVICES.

Chairman.

283. In paragraph 3 of his Report the Comptroller and Auditor General says, "In connection with the same point (that is with respect to payments under Sub-head E.) I called the attention of the Accounting Officer in my letter dated 5th of November 1878, annexed, to the want of uniformity in defraying expenditure incurred on account of the Maintenance of British Cemeteries Abroad, but I have, up to this time, received no intimation that any change in the present system will be adopted"; is that subject under consideration?

Mr. Ryder, Mr. Ryan,
Mr. Stoneham, Mr.
Mills, Mr. Alston,
Mr. Leves, Mr. Nicol,
Mr. Tucker, Mr.
MacLeod, and Mr.
Welby, C.B.

5 March 1879.

APPROPRIATION ACCOUNTS—Class V.

Vote 2.—Consular Services—*continued.**Chairman—continued.*

sideration?—An answer has just been returned to the Audit Office, by which they are informed that in future the expenses for cemeteries will be collected together and charged to the Office of Works Vote.

284. With reference to paragraph 4, which relates to certain payments to distressed British subjects abroad, it appears from the letter marked D, that in the opinion of the Foreign Office it was better to leave the regulations affecting this subject to the direction of the Treasury, than to attempt to embody them in an Order in Council; and that opinion seems to have been concurred in by the Treasury; has the Treasury sanctioned the regulations which deal with these questions?—The Treasury has sanctioned such regulations as are in existence on the subject, but it has never been thought desirable to issue an Order in Council. The Act of 6 Geo. 4, c. 87, contemplates the issue of an Order in Council, but it has never been issued; and after the experience which we have obtained of the best method of dealing with cases of distressed British subjects, we are decidedly of opinion at the Foreign Office (and in that view the Treasury concur) that it is undesirable to issue an Order in Council, and that it would do more harm than good.

285. Have the payments here referred to been made in accordance with the regulations which have been approved by the Treasury?—I should say decidedly so. The difficulty is to draw up a set of regulations which shall provide for every imaginable case. Whenever we are in the slightest doubt we always refer to the Treasury.

286. If there is a necessity for making a payment outside the regulations, you would take the opinion of the Treasury before making it?—We should.

287. (To Mr. Ryan.) Have you anything to add to this?—The Audit Office sees no objection to the course pursued, only that it is not strictly in accordance with the intention of the Act; and, therefore, we thought it desirable to raise the point.

On Vote 3.—GRANTS IN AID OF EXPENDITURE IN CERTAIN COLONIES.

Mr. JOHN S. LEWES, re-called; and further Examined.

Chairman.

291. I BELIEVE you wish to make some statement with respect to the Treasury Minute of the 25th September 1878, on the First and Second Reports of the Committee of Public Accounts of that year?—I am instructed to say, with reference to the Treasury Minute of the 25th of September, which has been laid before the Committee, that the Secretary of State does not admit the correctness of some of the statements contained in the letter to the Colonial Office, which is comprised in it, and I am to hand in copies of two letters which have been addressed to the Treasury on the subject (*the same were delivered in*).

292. On page 333 the Comptroller and Auditor General states, with respect to the Heligoland Accounts, that "The subject of these accounts has been under the consideration of the Colonial 0.55.

APPROPRIATION ACCOUNTS—Class V.

Vote 2.—Consular Services—*continued.**Chairman—continued.*

288. In paragraph 4, the Comptroller and Auditor General states that: "Under the Act 6 Geo. 4, c. 87, s. 18, relief to distressed British subjects may be expended in pursuance of any rules laid down by the Secretary of State, or of any Orders in Council"; it would appear from that quotation that the Secretary of State has the power to lay down rules?—We read the Act as contemplating the issue of Orders in Council. It has not been thought desirable to bind the administration by definite regulations, and we thought it desirable simply to notice the point.

289. (To Mr. Alston.) With respect to these payments in China, under the Sub-head L., have you anything further to add to the views of the Foreign Office stated in the correspondence?—The Treasury has settled the contention by the Minute of the 6th of June 1878, providing that all rent allowances shall in future be re-transferred to the Foreign Office. Of course, we are in the hands of the Treasury in the matter. It is not the arrangement which we should have desired; and, subject to the opinion of Mr. Ryan, I should not have said that it was so correct an appropriation as the previous arrangement. The arrangement which existed with regard to services in China, ever since the China Establishment was set on foot, was that the rents and allowances were charged to the same Vote. Some few years ago all the rents and the allowances in lieu of rents were transferred to the Office of Works. Under the Treasury Minute the rents will remain with the Office of Works, and the allowances will be re-transferred to the Foreign Office Vote. They are essentially a similar service, and we think that they ought to have remained charged to the same Vote, but the Treasury has decided otherwise.

290. (To Mr. Ryan.) Have you any further observation to make with regard to this point?—No; the view of the Comptroller and Auditor General is clearly stated in this correspondence, and is in conformity with the view taken by the Foreign Office, but the Treasury have decided the other way.

Mr. Ryder, Mr. Ryan,
Mr. Stansham, Mr.
Mills, Mr. Alston,
Mr. Lewes, Mr. Nicol,
Mr. Tucker, Mr.
MacLeod, and Mr.
Welby, c. s.

5 March 1879.

Chairman—continued.

Office and the Treasury, but no decision appears to have been yet made respecting the details of the account to be sent to my Department for examination; has any agreement yet been arrived at?—No, it has been found impossible to come to a satisfactory arrangement by means of correspondence. The Governor is expected in England shortly, and then, by agreement with the Treasury, the whole matter will be discussed and put upon a satisfactory footing.

Sir Henry T. Holland.

293. What is the main difficulty?—The Establishment at Heligoland is very small, and the Governor has no sufficient financial assistance; and there is a question of the treatment of Municipal Revenue and Colonial Revenue.

294. At page 337 I observe that the Comptroller

Mr. Lewes.

Mr. Ryder, Mr. Ryan,
Mr. Stoneham, Mr.
Mills, Mr. Alston,
Mr. Lewes, Mr. Nicol,
Mr. Tucker, Mr.
MacLeod, and Mr.
Welby, c.s.

5 March 1879.

APPROPRIATION ACCOUNTS—Class V.

Vote 3.—Grants in Aid of Expenditure in certain Colonies—continued.

Sir Henry T. Holland—continued.

troller and Auditor General states, with respect to Fiji, that "An Ordinance was passed, on the 2nd of February 1878, authorising the raising of a loan to the amount of 130,000 *l.*" (to meet certain liabilities and extraordinary expenses), "but the accounts received up to the present time do not show that any moneys have been raised under this Ordinance;" do you know whether any moneys have been so raised?—No money has yet been raised. There is a liability of 80,000 *l.*, and an offer has been made to the principal creditor in respect of that 80,000 *l.*, and when the question has been decided steps will be taken to raise a loan, but none has been raised yet.

295. With reference also to the 5,000 *l.* which was given under Treasury authority to meet expenditure, it is stated, that "About 3,000 *l.* of the amount had been expended on the work of the Commission since the Proclamation of the Order in Council," but no details are given; have you any remark to make upon that?—In the previous paragraph the Comptroller and Auditor General says, that reference has been made to the Colony upon the subject, but there has been no reply.

296. Is it shortly expected?—I am not aware when it was sent.

297. The Governor is now in England, is he not?—Yes; but he would not be able to give the details.

Chairman.

298. It is stated that "the original estimate for Fiji was 25,000 *l.*, but a further sum of 5,000 *l.* was added under Treasury authority to meet expenditure under the Pacific Islanders' Protection Act, likely to be incurred by the Governor as High Commissioner for the Western Pacific, for the punishment and repression of kidnapping and other atrocities, and which expenses, it is stated, could not be defrayed from the already deficient revenue of Fiji"; it appears that a very small sum has been expended in connection with the second purpose, but I believe the whole Vote was only under one Sub-head?—It was granted as in aid of the Colonial Revenue without distinction, making a total sum of 30,000 *l.*, the total grants being 105,000 *l.*, instead of 100,000 *l.*, as originally intended.

APPROPRIATION ACCOUNTS—Class V.

Vote 3.—Grants in Aid of Expenditure in certain Colonies—continued.

Sir Henry T. Holland.

299. That 5,000 *l.* was not annual, but only given once?—Only once. In the two previous years the grants were 40,000 *l.* and 35,000 *l.*, which, with the 30,000 *l.* in 1877-78, made 105,000 *l.* It had been intended that the aid to Fiji should be 100,000 *l.*, but the 5,000 *l.* was added to the last Vote in order to meet these expenses of the High Commissioner.

[Mr. Lewes withdrew.

On Vote 5.

SUPPRESSION OF THE SLAVE TRADE.

Chairman.

300. (To Mr. Alston.) Do you know whether the sum of 973 *l.* 17 *s.* 11 *d.*, referred to by the Comptroller and Auditor General in his Report, has now been received from the India Office?—It has been received from the India Office.

301. Has it been paid over to the Exchequer?—I believe that it has been surrendered to the Exchequer. The statement in the Comptroller and Auditor General's Report is to the effect that it will form part of the Exchequer Extra Receipts of the present financial year, but I believe the fact is that it has been surrendered already. (Mr. Ryan.) It has not been paid into the Exchequer, but it has been suspended by the Treasury for some reason of which we are not aware. (Mr. Alston.) I believe the intention of the Treasury in September last was that "in order to adjust the Appropriation Account of the Vote for the year 1876-77 (in respect of which an Excess Vote of 42 *l.* 1 *s.* 3 *d.* was granted in the past Session, and issued from the Exchequer), my Lords will give directions for the surrender of an equivalent amount out of the current year's grant." (Mr. Welby.) The surrender of a corresponding amount has been made.

302. (To Mr. Ryan.) Would that meet the views of the Comptroller and Auditor General?—Yes, I was under the impression that it was struck out from the payment to the Exchequer, and I was not aware that it has been surrendered. (Mr. Welby.) We will furnish the Audit Office with proof of that.

[Mr. Alston withdrew.

CLASS VI.

On Vote 2.—MERCHANT SEAMEN'S FUND, PENSIONS, &c.

Mr. ALLEN STONEHAM, re-called; and further Examined.

Chairman.

303. It appears by the Comptroller and Auditor General's Report that certain contributions were returned to seamen in consequence of its having been found illegal to receive them, but that subsequently, although the law has not been altered, a similar contribution has been received; is that so?—Yes, that has been done with the concurrence of the Treasury and in conformity with the usual practice of the Board of

Chairman—continued.

Trade to receive contributions under such circumstances.

304. But why were those contributions received if the matter was decided to be illegal?—I believe the decision was revised, and the Board of Trade reverted to their previous practice. An undertaking was given to the Treasury that the matter would be dealt with in a Bill introduced into Parliament last year which did not pass, and

Mr. Stoneham.

APPROPRIATION ACCOUNTS—Class VI.

Vote 2.—Merchant Seamen's Fund, Pensions, &c.—*continued.**Chairman—continued.*

and there is a similar undertaking, I understand, to introduce a like measure this year to legalise the practice which has been in existence for the last 20 years. It really hangs upon the construction of a particular section of an Act of Parliament.

305. But you have not received any opinions stating that it is legal to receive those contributions?—I believe there is no doubt that it is illegal, but the decision was, I think, 20 years ago, when Mr. Labouchere was President of the Board of Trade, and the practice has been continued under the impression that it was legal.

Sir Henry T. Holland.

306. Is it done in favour of the seamen?—It is done in favour of the seamen.

Chairman.

307. It is intended, I presume, to bring in a Bill to rectify it this Session?—I believe so.

On Vote 3.

RELIEF OF DISTRESSED BRITISH SEAMEN ABROAD.

308. Have you any observations to make with respect to paragraph 2 of the Report of the Comptroller and Auditor General?—Only that the facts there seemed to be accurately stated, and the Board of Trade really did more than they were required to do in protecting the Vote. The relief was awarded under the rules that are in existence, but an application was made to the owners under peculiar circumstances, and they contributed a portion.

309. Have you any remarks to make with respect to paragraph 3?—There the Comptroller and Auditor General says, he thinks that the charge should have been made against the owners of the "Kate;" but under the Merchant Shipping Act, 1854, salvage of life takes priority of all other claims for salvage. When property is saved, the life salvage would be the first charge, but as no property is saved, there is nothing on which to charge salvage. The property, and not the owner, is liable for the salvage payment. In this case the Board acted within their power, seeing that a meritorious service for the salvage of life had been rendered, and there is no law by which the salvors could recover anything from the owners of the vessel.

310. Life salvage cannot be recovered against an insurance?—It cannot.

311. Although it can be recovered if any of the property is saved?—Quite so; it is the first charge then.

Mr. Seeley.

312. The Comptroller and Auditor General says, in paragraph 1, that no steps have been taken to amend the Merchant Shipping Act in relation to seamen discharged in Colonial ports being put on the same footing as those discharged in foreign ports; is that so?—Yes, that is quite true. Nothing has been done. At the time

APPROPRIATION ACCOUNTS—Class VI.

Vote 3.—Relief of Distressed British Seamen Abroad—*continued.**Mr. Seeley—continued.*

when the Permanent Secretary gave the evidence which he gave, as to the necessity of a change in the law, the whole question was being reconsidered; but since that time so many difficulties have arisen in dealing with the Merchant Shipping law, that Ministers have been anxious to deal only with very pressing matters, and this was not a matter of so much importance as to be included in any of the Bills.

313. Is it the intention of the Board of Trade to take any steps in the matter?—I think not.

Chairman.

314. Are you still of the same opinion as the Permanent Secretary was in the year 1870, that the instructions to the Board of Trade officers in the Colonies are at variance with the Merchant Shipping Act?—There is no doubt that they are so.

Sir Henry T. Holland.

315. It is rather that the Act is imperfect?—It is so; the Board of Trade instructions go beyond the Act of Parliament.

Chairman.

316. But practically it is found necessary, I suppose, to continue those instructions?—It is.

317. Have you anything to say with respect to paragraph 4?—I think not, except that expenses of this nature are inevitable. A wreck occurred at Anticosti Island, which is a very desolate and exposed position, and it was necessary to make arrangements to relieve the distressed people. One vessel started from Anticosti and the other from Gaspé simultaneously, and thus the expenses were incurred.

Sir Henry T. Holland.

318. Had the Board of Trade any power of checking the expenses so incurred?—Under those circumstances the Board of Trade would only pay, I think, so much as they considered fair, and that point was inquired into in this particular case.

Chairman.

319. Have you been able to provide any evidence of the correctness of the 4*l.* 10*s.* referred to in paragraph 5?—The voucher has been produced. (Mr. Ryan.) That is satisfactory.

320. (To Mr. Stoneham.) And also in the case of the 2*l.* referred to in paragraph 6?—The voucher for that has also been produced. (Mr. Ryan.) That is also satisfactory.

CLASS VII.

PARIS INTERNATIONAL MARITIME EXHIBITION.

Chairman.

321. (To Mr. Ryan.) Have you any remarks to make on this Vote?—We have now received vouchers for the sum of 77*l.* 3*s.* 10*d.* We have received sums in excess more than covering that.

[The Witness withdrew.]

Mr. Ryder, Mr. Ryan,
Mr. Stoneham, Mr.
Mills, Mr. Nicol, Mr.
Tucker, Mr. MacLeod,
and Mr. Welby, c.s.

5 March 1879.

Wednesday, 12th March 1879.

MEMBERS PRESENT:

Sir Walter Barttelot.
Lord Frederick Cavendish.
Mr. Thomson Hankey.
Sir Henry T. Holland.

Sir John Lubbock.
Mr. O'Reilly.
Mr. Seely.
Sir Henry Selwin-Ibbetson.

LORD FREDERICK CAVENDISH, IN THE CHAIR.

CIVIL SERVICE APPROPRIATION ACCOUNTS.

CLASS III.

On Vote 8.—COUNTY COURTS.

Mr. JAMES COCKBURN PINNIGER, called in; and Examined.

Chairman.

Mr. Pinniger.
12 March 1879.

322. You are the Registrar of the County Court of Newbury, are you not?—I am.

323. In his Report upon the County Courts Vote, the Comptroller and Auditor General says that, "Pursuant to 9 & 10 Vict. c. 95, s. 46, the Treasury requires that the registrar of each court shall, within one month from the 31st March in each year, make up and forward to the Comptroller and Auditor General an account of all moneys paid over by him to the Treasurer of his court, according to Form H. In regard to the registrar of the court at Newbury, I have to report that, notwithstanding his attention was drawn to the above enactment and instruction, by letters respectively dated 13th June, 1st August, and 8th October 1878, the required account has not been received." Can you inform the Committee why that account was not forwarded to the Comptroller and Auditor General?—It certainly has been through great neglect. I have recently been appointed to the office of registrar of the court, and I followed upon a gentleman named Mr. Blount, who was non-resident, and who lived at Richmond in Yorkshire. He had a clerk named Hobson, who had been employed by the preceding registrar, Mr. Vines, who was the first county court registrar at Newbury. This Mr. Hobson had really had

Chairman—continued.

the entire management of the business for Mr. Blount. When the late Mr. Stonor was leaving our circuit he gave me the appointment, and I felt bound to continue the services of Mr. Hobson. In point of fact, I think Mr. Stonor had a very high opinion of Mr. Hobson, who was a very good clerk in many respects. I had no recollection of the matter until I came here, and I must put myself entirely into the hands of this Committee. I had no knowledge that this account had not been rendered. It would not be right for me to say that I had not known that complaints had been made of Mr. Hobson by Mr. Beck, who is the treasurer. A month ago I gave Mr. Hobson notice that he must leave my employ, and he is leaving, and I have a new clerk coming from Pontypriid.

324. Has the account yet been furnished?—I cannot really say. I was not aware what account you were wanting. I did not like to ask for what purpose I was required to come before the Committee.

325. You will undertake that it shall be furnished without delay?—I will, most assuredly. I am very sorry to have been called here. I must really throw myself upon the mercy of the Committee.

[Mr. Pinniger withdrew.]

Mr. HENRY NICOL, re-called; and further Examined.

Chairman.

Mr. Nicol.

326. I OMITTED to ask you, at the last meeting of the Committee, what is the cause of the large deficit in this Vote?—It arises from the very great and rapid increase in the business. You will see that I estimated the extra receipts at 388,000 £., and they come to 434,641 £. 7 s. 2 d.

327. Was not this large increase, both of the fees payable and of the expenditure, known

Chairman—continued.

before the conclusion of the financial year, so that a Supplementary Estimate might have been presented?—I did present one Supplementary Estimate for 13,000 £. The increase was something astonishing, and I think it will very likely go on.

[Mr. Nicol withdrew.]

APPROPRIATION ACCOUNTS—*continued.*

CLASS IV.

On Vote 18.—QUEEN'S COLLEGES, IRELAND.

Mr. REGINALD EARLE WELBY, C.B., and Mr. CHARLES LISTER RYAN, called in ; and Examined.

Chairman.

328. I OMITTED, at the last meeting of the Committee, to ask you what was the cause of the action of the Treasury in directing that a certain amount of fees should not be paid into the Exchequer, and that the corresponding amount payable to the Professors should not be defrayed out of the Vote?—The Treasury regard the transaction in this light, that the fees are received on behalf of the Exchequer, and that it is only when the Accounting Officer receives notification of the amount of fees received that he is in a position to pay them into the Exchequer. In this particular case he received a notification towards the close of the quarter, which showed him that there had been an amount of fees received which, if paid into the Exchequer, would necessitate an issue from the Vote in excess of the amount provided by Parliament. The consequence of that would be, that if the Treasury had directed the whole amount of the fees to be paid into the Exchequer, and the corresponding amount to be paid out of the Vote, they would themselves have been ordering an excess to be made upon the Vote. This is a point as to which the Treasury have very great doubts ; they do not consider that they are invested with any power to create an excess upon a vote of Parliament, or to sanction an excess upon a vote of Parliament. If an excess takes place upon a Vote, I think it will be seen, in a number of instances, that they have almost invariably said to the Accounting Officer, "We have no power to sanction your act ; you have exceeded the grant made to you by Parliament. The Comptroller and Auditor General will report your act to Parliament, and you must justify yourself to the Committee of Public Accounts." It is a point to which the

Chairman—continued.

Treasury attach considerable importance, because, if the practice which they recommend is adhered to, it secures to Parliament the control of expenditure before it takes place, instead of a mere registering of it after it has taken place. The Treasury, holding that view, and, as I say, attaching great importance to the point, they were unwilling in this case, though it was not a case of very great importance, to take a step which would appear like assuming a power in themselves to create an excess.

329. (To Mr. Ryan.) Have you any observation to make with respect to the explanation which we have just heard?—I do not in any way dispute the doctrine laid down by Mr. Welby, that the Treasury have no power to order an excess upon a vote. At the same time, I must hold, as is held in the Comptroller and Auditor General's Report, that if expenditure has been incurred, it should be shown upon the face of the account, and that no arrangement should be made by which a portion of it should be met by sums otherwise arranged to go into the Exchequer, a course which would have the effect of keeping the knowledge of the actual expenditure from appearing on the face of the account, and consequently being reported to Parliament. Had we accepted the decision of the Treasury in this case, there would be nothing for us to report, a sum being merely taken out with one hand and handed in with the other. (Mr. Welby.) Perhaps the Committee will allow me to add that the Treasury would entirely agree with the Comptroller and Auditor General as to the desirability of his calling attention to the fact ; but they would rather that he did so than that they should create a doubtful precedent by taking action themselves.

Mr. Welby, C.B.,
and Mr. Ryan.

12 March 1879.

LIST OF APPENDIX.

	PAGE.
Papers handed in by Mr. Welby :	
Public Accounts Committee, 1878 :—Treasury Minute on First and Second Reports, with Appendix - - - - -	29
Correspondence relating to Treasury Control over Colonial Expenditure, and Imperial Audit of Colonial Accounts :	
Letter from the Colonial Office to the Treasury, dated 1 January 1879 - -	47
Letter from the Colonial Office to the Treasury, dated 26 February 1879 - -	48
Letter from the Treasury to the Colonial Office, dated 11 April 1879 - -	49

A P P E N D I X,

PAPERS handed in by Mr. *Welby*.

PUBLIC ACCOUNTS COMMITTEE, 1878.

Appendix.

TREASURY MINUTE ON FIRST AND SECOND REPORTS.

14,398—78.

C O N T E N T S.

	PAGE		PAGE
I. Civil Services, Classes I. to VII.:		V. Exchequer, Extra Receipts - - -	38
First Commissioner of Works - - -	29	VI. Notes of Extra Remuneration - - -	38
Land Judges, Ireland - - -	30	VII. Revenue Departments and Telegraph	
Board of Trade - - -	30	Capital:	
Public Works, Ireland. Clerk of		Customs - - - - -	38
the Parliaments. Charity Commis-		Inland Revenue - - - - -	39
sioners. Paymaster General - 31-32		Post Office - - - - -	39
Civil Service Commissioners. Sta-		VIII. Navy Appropriation Accounts, &c. Ad-	
tionery Office. Chief Secretary		miralty - - - - -	39
for Ireland - - - - -	32	IX. Army Accounts. War Office - - -	40
Commissioners of Woods. Home		X. Army Purchase Commission Account -	42
Office. Queen's and Lord Treasur-		XI. Chelsea Hospital Account - - -	42
er's Remembrancer, N.B. Judge		XII. Consolidated Fund Account - - -	42
of Probate Division, Ireland -	33	XIII. Civil Contingencies Fund Account -	43
Inspector General of Irish Constabu-		XIV. Copy to Exchequer and Audit Office -	43
lary. Vice President of Committee		APPENDIX.—Table of Grants in Aid of	
of Council on Education. National		Colonies - - - - -	44
Gallery, Ireland. Queen's Univer-		" Table of Estimates of Colonies	
sity - - - - -	33-34	sent to Treasury - - - - -	45
Foreign Office - - - - -	34	" Table of Returns of Revenue,	
Colonial Office (Treasury control		Expenditure and Debt of	
over Colonial Expenditure; Audit		Colonies sent to Treasury -	45
of Colonial Accounts) - - -	35	" Treasury Minute of 29 July	
II. Accounts with India, India Office -	37	1870, respecting the Audit	
III. Orders in Council - - - - -	38	of various Accounts, includ-	
IV. Paris International Maritime Exhibition	38	ing those of certain Colonies	46

25 September 1878.

My Lords have before them the First and Second Reports of the Committee of Public Accounts, 1878, upon the Appropriation and other Accounts of Public Expenditure for the year 1876-7, as audited and reported upon by the Comptroller and Auditor General.

I.—CIVIL SERVICES, CLASSES I. TO VII.

5047—78.

By their Minute of the 23rd March 1878, my Lords directed the surrender to the Exchequer of the various surpluses on Civil Service Grants, in amounts that agree with those stated by the Committee, wherever they have had occasion to mention a surplus on such grants in their First Report.

The deficiencies on certain other of these Grants, as passed by the Committee, have been made good by Vote of Parliament, and the amounts were issued to the respective accounting departments before the 31st March last.

My Lords now proceed to give such directions as are suggested by the observations of the Committee.

Write to the First Commissioner of Works.

Sir,

The Lords Commissioners of Her Majesty's Treasury direct me to transmit to you, for your information, the inclosed copy of pars. 1 to 3 and 8 of the First Report of the Public Accounts Committee, 1878, relating to Votes administered by your Department for 1876-7.

Although the Committee refrain from expressing any opinion on the manner in which, with Treasury sanction, means were obtained for renewing the roadway of Rotten Row, without any provision being made for such a service in the Vote for Royal Parks, my

0.55.

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Lords

Voted 19 March
1878.
Reported 20 March
1878.

18,557—77.

Appendix.

	£.	s.	d.
1876-7 -	3,375	-	-
1877-8 -	4,514	10	4
	£. 7,889	10	4

Lords wish to state that the course taken in this instance was of a purely exceptional character. They are strongly of opinion that, on principle, no work of such magnitude, and extending over so long a period, ought to be carried on without specific provision for it in the Votes. The fact that nearly 8,000 l. will have been spent upon this work in two years, out of savings effected, in a great measure, on the Sub-Heads for ordinary maintenance, makes my Lords doubt whether sufficient care is taken to limit the provision under those Sub-Heads to the really ordinary and necessary expenses of maintenance.

When the Estimate for Royal Parks for 1879-80 is sent in, my Lords request that details may be furnished, showing how the estimated requirement for each park and garden is arrived at under the different Sub-Heads.

4937-78.

The opinion of the law officers referred to in par. 2 was obtained in March last, and, as you are aware, is in favour of the legality of the payment of rent for the use of the Market Hall at Chesterfield as a county court and offices.

My Lords have again communicated with the land judges in Ireland as to the mode of repaying the cost of maps supplied by the Ordnance Survey for use in their Court.

The 22nd of the rules issued on 14th March last, under the Supreme Court of Judicature Act (Ireland), 1877, for regulating proceedings before the land judges, is in the following terms:—

“With respect to surveys made by the Ordnance Department for the use of the land judges, when the account does not exceed 10 l., it shall be paid by the solicitor having the conduct of the sale before the rental maps are delivered to him by the Ordnance officer; in all other cases it shall be paid by such solicitor within one year from the delivery of the rental maps, if it shall not previously have been paid out of the produce of the sale. Every solicitor shall be personally responsible for the costs of any survey made in pursuance of an order issued at his instance.”

I am to request that you will send a copy of this rule to the Chief of the Ordnance Survey Office, Dublin, and obtain from him a report upon its working. It is most certainly a step in the right direction, but my Lords are not aware of any sufficient reason for restricting the obligation of immediate payment to so small an amount as 10 l., or, indeed, to any amount at all. They are informed that, in cases of declaration of title, the account has to be paid on delivery of the maps, whatever the amount may be. Moreover, the rule applies to “rental” maps only. Their Lordships would be glad to see it extended to all maps supplied by the Ordnance Department.

With regard to the remarks in par. 8, upon the mode of defraying part of the rent of Her Majesty's Embassy House at Berlin, I am to state that my Lords fully concur in the distinction drawn by the Committee between a personal allowance for house rent which is properly provided for in the same Vote as the recipient's salary, and the rent of a house hired by Her Majesty's Government, in the name of the Commissioners of Works, which is properly chargeable to one of the Votes in Class I., under your administration. You are aware from recent correspondence, respecting rent allowances in China and Japan, that their Lordships are most anxious to enforce this principle strictly in the division of charges between the Vote for Diplomatic and Consular Buildings, and the Diplomatic and Consular Votes in Class V.

I am, at the same time, to enclose a copy of par. 22 of the Second Report of the Public Accounts Committee, as to the delay in providing accommodation for the Army Test Audit Staff in Winchester House. The Committee were informed on 19th June last, by the Secretary to your Office, that the house would be ready in about two months. But my Lords learn, with regret, that it is still unfit for occupation. They trust, however, that you will cause its completion to be pushed forward as rapidly as possible.

I am, &c.

Write to the Land Judges of the Chancery Division of Her Majesty's High Court of Justice in Ireland.

My Lords,

I am directed by the Lords Commissioners of Her Majesty's Treasury to transmit to you, for your information, a copy of para. 3 of the First Report of the Public Accounts Committee, 1878, relating to the repayment of the cost of maps supplied for use in proceedings taken before your Lordships.

13,978-77.

My Lords caused a letter to be addressed to your Lordships on this subject on the 31st October 1877, but they have not yet had the honour of receiving a reply. They would be glad to hear from you what arrangements, if any, have been made, or are proposed to be made, for securing earlier repayments.

Extract, 5th, 6th,
and 7th pars.

The subject appears to be dealt with by the 22nd of the Rules issued under the Supreme Court of Judicature (Ireland) Act, 1877, affecting proceedings before the land judges, and I am to enclose an extract from a letter which my Lords have caused to be addressed to the First Commissioner of Works regarding this rule.

I am, &c.

Write to the Permanent Secretary to the Board of Trade.

Sir,

I am directed by the Lords Commissioners of Her Majesty's Treasury to request you to lay before the Lords of the Committee of Privy Council for Trade the enclosed copy of

of paras. 4, 5, 7, 13 to 19, 50 and 51, of the First Report of the Public Accounts Committee, 1878, relating to services administered by your Department in 1876-7.

Upon the Ramsgate Harbour Vote Account, the Committee concur in the doubt expressed by the Comptroller and Auditor General, whether the course taken by the Board of Trade in dealing with the Benefit Fund is in strict accordance with Section 34 of the Act 24 & 25 Vict. c. 47. It appears to my Lords that, unless the fund is legally wound up within the meaning of that section, there exists no power of meeting a deficiency upon it out of the Harbour Fund, or of using a surplus upon it in aid of the Harbour Fund. The question is of practical importance, because during the year 1876-7 a surplus on the Benefit Fund was used in aid of the Harbour Fund, and, on the other hand, during 1877-8 and the current year, a deficiency must have been or be being met out of the Harbour Fund.

Whether the Benefit Fund is legally wound up or not depends on whether the words of Section 34 of the Act, "In case the said fund is wound up, the capital of the said fund now in the hands of the trustees shall be employed in satisfying its liabilities," necessarily imply that the stock standing to the credit of the Benefit Fund must be sold, and the cash proceeds be used directly in redeeming the annuities payable out of the fund.

My Lords cannot think that so much is necessarily implied by the words quoted. They are of opinion that the capital is employed in satisfying the liabilities of the Benefit Fund, if the stock is transferred to the credit of the Harbour Fund, which has a reversionary interest in any surplus of the Benefit Fund, and if, in return for this transfer, the Harbour Fund accepts the charge of the outstanding annuities. This is the arrangement which my Lords understand the Board of Trade to have made, and it is clear that, if it constitutes a legal winding up of the Benefit Fund, no distinct account of that fund ought any longer to be kept.

Supposing, however, the Board of Trade feel any doubt about the legality of their proceeding, my Lords request that a case may be submitted for the opinion of the law officers of the Crown.

In accordance with the recommendations of the Committee, my Lords authorise the appropriation of so much of the savings (640 *l.* 19 *s.* 2 *d.*) on Sub-Heads B., D., E., and F. of the Vote for Lighthouses Abroad, as has not been already applied in meeting excesses on Sub-Heads C. and G., towards covering, so far as it will go, the excess incurred on Sub-Head A. in the erection of the Bird Rock Lighthouse.

They also sanction the proposed payment of 50 *l.* to Mr. Meadows for the use of his quarry in building the same lighthouse, as requested in Mr. Calcraft's letter of the 25th August 1877.

My Lords feel sure that the remarks of the Committee upon the large expenditure and serious delay that have attended the erection of this lighthouse will have due weight with the Board of Trade, and will lead to improvements in the arrangements for carrying on works of this nature.

With regard to the mode of charging the salaries of the examiners of masters and mates, which the Committee consider to involve a departure from the letter of the existing law, I am to state that specific provision for these officers has been made in subsequent Estimates for the Board of Trade. But my Lords have a strong objection to employing the Appropriation Act to overrule the provisions of other Acts. No doubt, therefore, should be allowed to remain as to whether these salaries are compulsorily chargeable on the Mercantile Marine Fund, under Section 418 of the Merchant Shipping Act, 1854, apart from the operation of the Annual Appropriation Act, and I am accordingly to request that the Board of Trade will submit the question for the opinion of the law officers.

The Merchant Shipping Bill mentioned by the Committee in para. 15, as providing for the legalisation of the payment into the Exchequer of fees received for the examination of engineers, was withdrawn on the 27th June last, through pressure of other business, but my Lords hope that it may be reintroduced next Session.

As regards the extra payments to salaried Procurators Fiscal, I am to state that my Lords are awaiting the reply of the Board of Trade to their letter on the subject of 22nd March last, in which it was suggested that these officers should be employed upon such business, only, under the Merchant Shipping Act, 1854, as was of a criminal character, which, consequently, they could be called upon to undertake *ex officio*, without extra remuneration, and that other business, involving payment by bills of charges, should, with previous Treasury sanction in each case, be entrusted to some local solicitor other than a Procurator Fiscal.

The corrected surpluses on the Votes for the Merchant Seamen's Fund Pensions, and Relief of Distressed British Seamen, have been surrendered to the Exchequer by a write off, in the first case, from the Vote for 1878-9, and in the other, from the Vote for 1877-8, as intimated by the Treasury Circular of 23rd March 1878.

I am, &c.

Write to the Commissioners of Public Works, Ireland.

Gentlemen,

The Lords Commissioners of Her Majesty's Treasury desire me to transmit to you, for your information and guidance, the enclosed copy of paras. 6, 25, and 26 of the First Report of the Public Accounts Committee, 1878, relating to the Appropriation Accounts of Votes administered by your Department for 1876-7.

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Appendix.

Ramsgate Harbour.

Lighthouses Abroad.
18,928—77.

14,139—77.

Board of Trade
Vote.
Par. 14.

17 & 18 Vict. c. 104.

(*Vide* Bill, No. 200,
Schedule repeals
part of Section 7 of
25 & 26 Vict. c. 63.)

Par. 18.
3299—78.

Par. 60, 51.

5047—78.

Appendix.

1584—78.

As regards the payments for salaries and premiums at the Phoenix Park National School, my Lords request that provision may be made for them, in future, under a distinct sub-head, in the Estimate for Public Buildings, Ireland. They further request that new sub-heads may be opened for such payments in the Appropriation Accounts of the Public Buildings Votes for 1877-8 and 1878-9.

Their Lordships are glad to learn that the uncertificated temporary messenger, referred to in par. 25, is no longer in the service of your Board.

I am, &c.

Write to the Clerk of the Parliaments.

Sir,

I am directed by the Lords Commissioners of Her Majesty's Treasury to transmit to you the enclosed copy of par. 9 of the First Report of the Committee of Public Accounts, 1878, relating to the Appropriation Account of the House of Lords Vote, 1876-7.

My Lords trust that there will be no objection to a compliance with the recommendation of the Committee, and that the amount of retired allowances paid from the interest of the Invested Fee Fund, or from current fees of the House of Lords, will be noted in future Appropriation Accounts of the Vote, and that the probable amount of the same will be noted in your future estimates.

I am, &c.

Write to the Charity Commissioners.

My Lords and Gentlemen,

I am directed by the Lords Commissioners of Her Majesty's Treasury to transmit to you, for your information, the enclosed copy of the 20th par. of the First Report of the Public Accounts Committee, 1878, relating to the Appropriation Account of the Charity Commission Vote, 1876-7; and I am to state that the surplus of 2,586 *l.* 13 *s.* 3 *d.*, mentioned therein, has been written off from the Vote for 1877-8, as notified by the Treasury Circular of 23rd March 1878.

5047—78.

I am, &c.

Write to the Paymaster General.

Sir,

The Lords Commissioners of Her Majesty's Treasury desire me to transmit to you, for your information, the enclosed copy of par. 21 of the First Report of the Public Accounts Committee, 1878, relating to the Pay Office Vote Account, 1876-7.

20,193—77.

The Treasury Minute to which the Committee refer is dated 12th February 1878, and an extract from it was forwarded to you on the 23rd of that month.

My Lords have caused the transfer of Mr. Harvey from your office to the Treasury, and of Mr. Hereford from this office, to the Pay Office, to be notified to the Civil Service Commissioners, in order that the requisite notice may be inserted in the "London Gazette."

I am, &c.

Write to the Civil Service Commissioners.

My Lord and Gentlemen,

I am directed by the Lords Commissioners of Her Majesty's Treasury to notify to you, in order that the same may be published in the "London Gazette," as prescribed by Art. 20 of the Order in Council of 12th February 1876, that the following transfers took place in the month of March 1877:—

(1.) Mr. A. S. Harvey was transferred from the post of 1st Class Clerk in the Paymaster General's Office to that of Assistant Accountant to the Treasury.

(2.) Mr. G. Hereford was transferred from the post of 2nd Class Clerk in the Account Branch of the Treasury to that of 1st Class Clerk in the Paymaster General's Office.

I am, &c.

Write to the Comptroller of the Stationery Office.

Sir,

The Lords Commissioners of Her Majesty's Treasury desire me to transmit to you, for your information, the enclosed copy of par. 22 of the First Report of the Public Accounts Committee, 1878, relating to the Stationery Vote Account, 1876-7.

My Lords concur with the Committee in their appreciation of the statement of stores in hand at the close of the year, which is appended to this Appropriation Account for the first time.

I am, &c.

Write to the Chief Secretary for Ireland.

Sir,

The Lords Commissioners of Her Majesty's Treasury desire me to transmit to you, for the information of His Grace the Lord Lieutenant, the enclosed copy of pars. 23, 33, 34, 37, 38, and 46 of the First Report of the Public Accounts Committee, 1878, relating to the Accounts of Votes under your Administration for 1876-7.

As

As regards expenses connected with the Phoenix Park Riots, 1871, my Lords observe that a special Sub-Head for this service will have to be opened in the Irish Law Charges Account for 1877-8; but they are glad to learn from Mr. Burke's letter of the 29th March last, that there is ground for hoping these expenses have now come to an end.

Appendix.

5624-78.

I am, &c.

Write to the Commissioners of Woods.

Gentlemen,

The Lords Commissioners of Her Majesty's Treasury direct me to transmit to you the enclosed copy of par. 24 of the First, and 50 of the Second Report of the Public Accounts Committee, 1878, relating to the Woods Vote Account, and the Woods and Forests Abstract Accounts, 1876-7.

I am to state that the remarks of the Committee as to the powers of this Board under the Order in Council of 19th August 1871, do not seem to require any comment in the present letter; but my Lords are fully conscious of the weight that should be attached to them.

I am, &c.

Write to the Permanent Under Secretary, Home Office.

Sir,

The Lords Commissioners of Her Majesty's Treasury direct me to transmit to you, herewith, for the information of Mr. Secretary Cross, a copy of pars. 29 and 30 of the First Report of the Public Accounts Committee, 1878, relating to the Appropriation Account of the Vote for Convict Establishments in England and the Colonies, 1876-7.

My Lords are glad to see that the Committee approve of the directions given by this Board in their Minute of 31st October 1877, with regard to the mode of providing for the Fine Fund.

13,973-77.

From the enclosures to the Treasury Letter of 26th February last, the Secretary of State will have learnt that my Lords have arranged that, from the 31st March last, all claims for the maintenance of Indian convicts are to be made by the Tasmanian Government directly upon India, and not through the Imperial agent.

3292-78.

6571-78.

I am, &c.

Write to the Queen's and Lord Treasurer's Remembrancer, Edinburgh.

Sir,

The Lords Commissioners of Her Majesty's Treasury desire me to transmit to you, for your information, the enclosed copy of par. 31 of the First Report of the Public Accounts Committee, 1878, relating to the Appropriation Account of the Vote for Courts of Law and Justice, Scotland, 1876-7.

The question of assimilating the mode of accounting for fees and fines in the judiciary and sheriff courts, respectively, is still under the consideration of this Board, and will form the subject of a separate communication to you.

14,944-77.

I am, &c.

Write to the Judge of the Probate and Matrimonial Division of Her Majesty's High Court of Justice in Ireland.

My Lord,

The Lords Commissioners of Her Majesty's Treasury desire me to transmit to you, for your information, the enclosed copy of the 35th par. of the First Report of the Public Accounts Committee, 1878, relating to the Appropriation Account of the Vote for the Court of Probate, Ireland, 1876-7, and I am to state that the corrected surplus of 253 l. 5 s. 2 d. was written off from the Vote for the above Court for 1877-8, as intimated in the Treasury Circular of 23rd March 1878.

5047-78.

I am, &c.

Write to the Inspector General of Irish Constabulary.

Sir,

The Lords Commissioners of Her Majesty's Treasury direct me to transmit to you, for your information, the enclosed copy of par. 36 of the First Report of the Public Accounts Committee, 1878, relating to the Appropriation Account of the Irish Constabulary Vote, 1876-7, and I am to state that the corrected surplus of 31,261 l. 1 s. 8 d., mentioned therein, was written off from the Vote for the above Service for 1877-8, as intimated by the Treasury Circular of 23rd March 1878.

5047-78.

I am, &c.

Write to the Vice President of the Committee of Council on Education.

My Lord,

The Lords Commissioners of Her Majesty's Treasury direct me to transmit to you, herewith, for the information of the Lords of the Committee of Council on Education, a copy of pars. 39 and 40 of the First Report of the Public Accounts Committee, 1878, relating to the

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Appendix.

relating to the Appropriation Accounts of the Votes for Public Education, England, and the Science and Art Department, 1876-7.

In accordance with the recommendation of the Committee, my Lords request that a note may be appended to future Estimates for the Science and Art Department, showing the extent to which any special Exhibition, proposed to be held, may affect the different Sub-Heads, whenever the additional expenditure involved is of any material amount. A statement of the actual expenditure entailed by such Exhibition should be appended to the Appropriation Account.

I am, &c.

Write to the Governors of the National Gallery, Ireland.

My Lords and Gentlemen,

I am directed by the Lords Commissioners of Her Majesty's Treasury to transmit to you, for your information, the enclosed copy of the 42 and 43 pars. of the First Report of the Public Accounts Committee, 1878, relating to the Appropriation Account of the Vote for the Irish National Gallery, 1876-7.

My Lords trust that all possible care will be taken, in future, not to exceed the grants of Parliament, and to observe the conditions laid down by this Department for the appropriation of savings, whenever such may be sanctioned.

I am, &c.

Write to the Secretary to the Queen's University.

Sir,

The Lords Commissioners of Her Majesty's Treasury desire me to transmit to you, herewith, for your information, a copy of the 44th par. of the First Report of the Public Accounts Committee, 1878, relating to the Appropriation Account of the Vote for the Queen's University, 1876-7.

Care should be taken, in future to apply to this Board in good time for authority to apply savings to meeting deficiencies on Sub-heads of the Vote.

I am, &c.

Write to the Permanent Under Secretary, Foreign Office.

My Lord,

The Lords Commissioners of Her Majesty's Treasury direct me to transmit to your Lordship, for the information of the Marquess of Salisbury, the enclosed copies of pars. 46 and 48 of the First Report of the Committee of Public Accounts, 1878, relative to the Appropriation Accounts of the Votes for Consular Services, and Commissions for the Suppression of the Slave Trade, 1876-7.

As regards par. 46, my Lords trust that care will be taken on all occasions to comply with the spirit of the regulations of the public service. They must further remind the Secretary of State of the necessity of previous reference to this Board whenever an appointment under the terms of the notice in the "London Gazette" of 16th January 1872 becomes expedient.

With respect to the Vote for the Suppression of the Slave Trade, I am to express my Lords' regret that the Comptroller and Auditor General was not enabled to report on the Account of the Muscat Subsidy and Zanzibar Agency before the Committee closed their sittings. They learn, however, from Sir J. Pauncefote's letter of the 20th September, that subsequently the Comptroller and Auditor General has, after examining the vouchers forthcoming, and after receiving further explanations, admitted as properly chargeable under Sub-Heads C. and D. of the Vote a total sum of 33,228 l. 6 s. 9 d., leaving a sum of 973 l. 17 s. 11 d. paid to the Indian Government in excess of the amount for which vouchers have been produced.

This last-named sum (973 l. 17 s. 11 d.) will therefore be repaid by the India Office, and in order to adjust the Appropriation Account of the Vote for the year 1876-7 (in respect of which an Excess Vote of 42 l. 1 s. 3 d. was granted in the past Session, and issued from the Exchequer), my Lords will give directions for the surrender of an equivalent amount out of the current year's grant.

Their Lordships will cause a communication to be made to the Secretary of State for India in Council as to the delay in settling these and other accounts with the Home Government.

I am at the same time to enclose a copy of par. 49 of the Second Report of the Committee, respecting the outstanding debt of the Dominican Government on account of the "Telegrafo." My Lords would be glad to learn whether the Secretary of State sees any ultimate prospect of enforcing the payment of the sum which the Dominican Government has bound itself to pay, but which nevertheless it has not provided.

I am, &c.

Written off October 1878.

Let the sum of 973 l. 17 s. 11 d. be written off from the Vote for the Suppression of Slave Trade for 1878-9.

Acquaint the Paymaster General.

Write

Write to the Permanent Under Secretary, Colonial Office.

Sir,

The Lords Commissioners of Her Majesty's Treasury desire me to transmit to you the enclosed copy of par. 47 of the First Report of the Committee of Public Accounts, 1878, relative to the Appropriation Account of the Vote for Grants-in-Aid of Expenditure in certain Colonies, 1876-7.

No question arises directly upon this account requiring notice by my Lords. The Committee, however, refer to the very important subject of the audit of the Accounts of Colonies receiving aid from Imperial funds, which is treated of for the first time by the Comptroller and Auditor General in connection with the account of this Vote.

My Lords feel that the audit of these accounts has not yet been placed on a proper footing, and they are very glad that the Comptroller and Auditor General has drawn attention to it. The subject is closely connected with that of Treasury control over the revenue and expenditure of the Colonies whose accounts are in question. The degree of that control will necessarily affect the character of the audit by the Comptroller and Auditor General.

My Lords propose, therefore, to take the opportunity of making some remarks upon both subjects, and will begin by briefly recalling the correspondence thereon that took place nearly 10 years ago.

Treasury Control over Colonial Expenditure.

Prior to 1870 the Treasury exercised a direct financial control over all Crown Colonies.

Under this system the Estimates and Financial Returns of some 18 Colonies used to be annually submitted to the Treasury, and no expenditure ought to have been incurred in excess of the Estimates without Treasury sanction. But of course all communications between the Treasury and the Colonies were carried on through the Colonial Office.

A limit to this control on the part of the Treasury was first suggested in 1868 by the Duke of Buckingham, then Secretary of State for the Colonies. In Sir F. Rogers' letter of 22nd April of that year it was stated, in connection with a proposal to entrust the Colonial Office with the audit of the Accounts of Crown Colonies, that—

6758—68.

“His Grace has caused to be submitted to their Lordships his opinion that this Department should also receive, with certain limitation, some of a general kind, and some applying especially to Colonies receiving Parliamentary aid, the power to exercise alone that general power of superintendence over Colonial Finance which is now exercised by the Treasury and Colonial Department concurrently.”

The expression of opinion referred to was unofficial only, but the proposed arrangement was brought in a complete shape before the Treasury in a memorandum which accompanied a letter from the Colonial Office, of 19th April 1869, and was alluded to, as follows, by Lord Granville's direction :—

11,191—69.

“The memorandum attached to the Report advocates a change in the mode of transacting so much of the business of this Department as concerns purely Colonial expenditure. His Lordship considers this proposal highly deserving of their Lordships' attention, as calculated to relieve the Treasury of much unnecessary business, and to advance the prompt and efficient transaction of the business to which it relates.”

In a reply, dated 28th February 1870, the Treasury stated that “My Lords concur with the Secretary of State that the supervision of this Department over Colonial expenditure is no longer necessary, and that such supervision may more properly be exercised by the Colonial Office alone.” But they asked what were the “limitations” referred to by the Duke of Buckingham in 1868, and what were the subjects and details in connection with revenue and expenditure which Lord Granville thought should still be submitted to this Board.

The following explanation of the “limitations” was given in a letter from Sir F. Rogers of 28th March 1870 :—

Lord Granville “thinks that it would conduce to simplicity of arrangement and distinctness of responsibility that those limitations should be confined to matters of Imperial concern, and consequently that no subjects should be referred to the Treasury in the case of Crown Colonies, except such as would be equally referred in Colonies of equal importance which possess representative institutions.

6339—70.

“In Colonies receiving Parliamentary aid, their Lordships will continue to exercise their present control while that aid is given, and perhaps will desire to do so for a short period after it is withdrawn, in order to provide for or against relapse.

“In Colonies where loans are guaranteed by the Imperial Government, information as to the state of the finances will be regularly forwarded to their Lordships, so that they may be able to interpose for the purpose, not indeed of preventing any specific expenditure, but of interposing by authority or remonstrance, as the case may be, to arrest a course of expenditure which, in their opinion, is dangerous to solvency.”

All laws and questions affecting currency or the security of guaranteed loans were, of course, to be submitted to the Treasury.

Appendix.

10,792.
15,748—70.

My Lords need not quote from every letter that ensued ; it will suffice to say that the arrangement ultimately agreed upon was the following :—

The Colonial Office was to continue to refer to the Treasury the annual estimates, and all increases of offices or salaries, in the case of Colonies receiving Grants-in-Aid, and to continue this practice for two years after any such Grant-in-Aid had ceased.

Further, the Colonial Office was to obtain and furnish to the Treasury, as soon as possible after the end of each year, returns of,—

- (1.) Revenue and Expenditure of the last preceding year ;
- (2.) Revenue and Expenditure of the same year in comparison with previous years ;
- (3.) Public Debt ;

in regard to every Colony that either owes money to the Home Government, or receives aid in the shape of a guarantee to a loan, or of salaries to Governors, or other specific grants.

With a view to obtaining these returns, Lord Granville caused a circular, dated 31st May 1870, to be issued to the following Colonies :—

Bermuda.	Grenada.	Virgin Islands.
Sierra Leone.	Tobago.	Jamaica.
Western Australia.	Antigua.	British Guiana.
Bahamas.	Dominica.	Trinidad.
Barbados.	Montserrat.	St. Lucia.
St. Vincent.	St. Kitt's and Nevis.	

(omitting Canada and New Zealand for the time).

No specific promise of these returns seems to have been made in regard to Colonies receiving grants in aid of their general revenue, but this must have arisen from the fact that the engagement to submit their annual estimates for Treasury sanction implied that at least as much information would be given, regarding their actual revenue and expenditure and debt, as in the case of other Colonies in which the Imperial Exchequer was less closely concerned.

My Lords wish to draw the serious attention of the Secretary of State to the defective manner in which the foregoing agreement has been carried out. A statement is appended of all Colonies receiving Grants-in-Aid since 1868-9, and of all the Colonial Estimates sent to the Treasury from 1870, inclusive, to the present date. For 1870 and 1871 respectively, the Estimates of five Colonies were rendered; for 1872 and 1873 respectively, the Estimates of three Colonies, though one of them, for 1872, was a year late; for 1874 and 1875 respectively, the Estimates of two Colonies; and for 1876 and 1877 respectively, the Estimate of only one Colony.

Notice was called to the non-observance of the engagement in a Treasury Letter of 20th February 1878, upon the Estimate for Grants-in-Aid of Colonies for 1878-9, and the result has been that the Estimates of four Colonies have been sent in for 1878.

But with almost the single exception of the Falkland Islands, no Estimates of Colonies receiving Grants-in-Aid have been sent to the Treasury with due regularity.

Moreover, the Estimates for Falkland Islands were furnished from year to year with no indication how far they were based upon actual results, so that the Treasury could only accept them blindly, and the Colony is now found to have been sinking deeper and deeper into debt without the knowledge of the Home Government, and is petitioning for special assistance.

Further, as is shown by the annexed table, the Financial Returns from Colonies receiving grants for specific salaries, &c., or which owe money to the Exchequer, or have obtained guaranteed loans, fell by degrees into almost complete oblivion.

Out of the 48 Returns of different kinds mentioned in the Table, six were received in 1870, eleven in 1871, seven in 1872, four in 1873, eight in 1874, three in 1875 and 1876 respectively ; one in 1877, and five, of which three were from one Colony, in 1878.

My Lords can only say that if the agreement is a faulty one it should at once be altered, but if it is not, they hope that the Secretary of State will insist upon its being strictly carried out for the future.

A copy of this letter will be sent to the Comptroller and Auditor General, and he will be requested not to pass the accounts of any Colony receiving Grants-in-Aid until he has satisfied himself that the estimates for the year of account were duly sanctioned by this Department, and that any expenditure not provided for in those estimates has received covering Treasury authority.

This will make it necessary that the estimates should be submitted to the Treasury for *three* years instead of only *two* after the cessation of a Grant-in-Aid, so that the term of Treasury control may coincide with that of audit of the accounts by the Comptroller and Auditor General.

Audit of Colonial Accounts.

The duty of auditing Colonial Accounts was formerly discharged by the Commissioners for West India Accounts, established by 46 Geo. 3, c. 80, and the Commissioners for Colonial Accounts established by 54 Geo. 3, c. 184. The functions of these two Boards were transferred to the Audit Office by 1 & 2 Geo. 4, c. 121, and 2 & 3 Will. 4, c. 26, respectively ;

Tables I. and II.
Printed in Appen-
dix.

165—78.

Table III. Printed
in Appendix.

respectively; but these Acts were repealed on 1st April 1867 by 29 & 30 Vict. c. 39, and it then became necessary for the Treasury to make some new arrangement, under Section 33 of the last-mentioned Statute, for the audit of Colonial accounts.

It was first proposed that the audit of the accounts of all Crown Colonies should be conducted at the Colonial Office. The question was at the same time mooted whether the cost of audit ought not to be defrayed by the Colonies themselves, but this idea did not meet with the approval of the Secretary of State. It was ultimately arranged that, as a general rule, the accounts of Colonies should be left to be audited by the Local Governments, but that the accounts of Crown Colonies receiving grants from Imperial funds in aid of their general expenditure should be audited by the Comptroller and Auditor General, without charge to the Colonies. Moreover, this audit would necessarily extend to the accounts of the Crown agents so far as they concerned Colonies receiving grants-in-aid.

Instructions to the above effect were given to the Comptroller and Auditor General by the Treasury letters of 13th January 1869 and 29th July 1870, but unfortunately no copy of the Minute was ever presented to Parliament, as required by the 33rd section of the Exchequer and Audit Departments Act, 1866; a defect, however, which my Lords will take care to have remedied next year.

In the meanwhile the audit of Colonial accounts was suspended at the Audit Office for some years. It was resumed, at least partially, so far as regards aided Colonies, towards the end of 1870. But my Lords are in doubt how far a detailed examination has been applied to the accounts of any single Colony for the complete series of years from 1867-8 to 1876-7. Indeed the report of the Comptroller and Auditor General upon the accounts for the latter year is enough to show the extreme imperfection of the materials which have, as yet, been placed at his disposal.

In the letter from this Department of 15th April last, my Lords expressed approval (subject to one slight alteration) of the new forms of accounts which the Comptroller and Auditor General proposes for adoption by the different Colonies, so as to bring them into conformity with those used for Imperial services. They hope that the introduction of these forms will save trouble on both sides, and lead to a more regular transmission of accounts.

Conclusion.

To sum up the foregoing remarks, my Lords propose that the direct control of this Department over Colonies and the Imperial audit of Colonial accounts should proceed so that each may support the other.

Any Crown Colony receiving an Imperial Grant-in-Aid of its general expenditure must submit to the Treasury, through the Colonial Office, in good time before the beginning of each year, its annual estimates of revenue and expenditure in such detail as may in each instance be required, and accompanied by a comparative statement of the actual revenue and expenditure of the last preceding three years, for which accounts have been made up, and a statement of all debts due by or to the Colony at the end of each of such three years, and at the latest date for which the statement can be made at the time of despatching the estimate. These estimates must continue to be submitted to the Treasury so long as the Grant-in-Aid continues, and for three years afterwards. And for the same period the accounts of the Colony will be rendered to the Comptroller and Auditor General, monthly, in the prescribed form, with the necessary vouchers and authorities, for examination and audit.

A copy of the estimates, as approved by this Board, will be sent to the Comptroller and Auditor General by the Treasury, and, before passing the accounts of any Colony, he will satisfy himself that they are sustained by Treasury approval of the estimates and of any departure from the estimates.

Further, my Lords request that the abstract statements of Annual Revenue and Expenditure and of Public Debt, which the Secretary of State undertook should be furnished to this Board in respect of any Colony owing money to the Exchequer, or receiving Grants for specific purposes, or which has obtained a guaranteed loan, may be furnished regularly.

I am, &c.

Let a copy of the Treasury Minute of 29th July 1870 be presented to Parliament.

II.—ACCOUNTS WITH INDIA.

Write to the Permanent Under Secretary, India Office.

Sir,

I am directed by the Lords Commissioners of Her Majesty's Treasury to transmit to you, for the information of the Secretary of State for India in Council, the enclosed copy of paragraphs 30, 48, and 49, of the First Report, and paragraphs 51 to 53 of the Second Report of the Public Accounts Committee, 1878, relating to accounts between the Home and Indian Governments. As regards paragraph 30, I am to state that all accounts for the maintenance of Indian convicts in Tasmania, subsequently to the 31st March 1878, will be settled by claims preferred directly upon India by the Tasmanian Government.

With regard to paragraph 48, my Lords regret that the requisite vouchers in respect to
0.55. payments

Appendix.

6758—68.
12,394—68.
16,585—68.

18,577—68.

1230—69.

A copy of the Minute
is given in the Ap-
pendix.

9038—70.

655.
060—78.

Appendix.

payments for the Muscat subsidy and Zanzibar agency were not furnished in time for submission to the Committee. They learn that vouchers for a portion of the expenditure have now been supplied; and I am to state that a letter will be addressed to the Secretary of State for India in Council on the subject of the portion which remains unvouched.

The Secretary of State will observe the remarks of the Committee in paragraph 49 upon the delay that so often occurs in the adjustment of accounts between India and the Imperial Government. My Lords trust that arrangements may be made for an earlier settlement in future.

10,349—78.

The paragraphs relating to Army charges defrayed on account of India do not seem to require any comment from my Lords.

I am, &c.

III.—ORDERS IN COUNCIL.

My Lords read the 11th and 24th paragraphs of the First Report of the Committee, which relate to the exercise by this Board, under exceptional circumstances, of the right to sanction payment to lower division clerks, formerly employed as registered writers, of higher commencing rates of salary than the minimum fixed by the Order in Council of 12th February 1876, and to an increase of the salary of a writing clerk, in the Dublin Quit Rent Office, in apparent excess of the limit imposed by Clause III. of the Order in Council of 19th August 1871.

My Lords observe that the Committee do not, in either case, recommend the reversal of the measures sanctioned by this Board, or that any steps should be taken for giving them additional authority.

It will be enough, therefore, for my Lords to repeat the admission that they regard these concessions as extraordinary acts, justifiable only as means for facilitating the introduction of the system prescribed by the recent Orders in Council, and they even go so far as to say that they would be sorry to see any steps taken that would relieve these acts of their abnormal character. At the same time, their Lordships fully agree with the Committee that the Comptroller and Auditor General does right in drawing the attention of Parliament to each case as it comes under his notice.

IV.—PARIS INTERNATIONAL MARITIME EXHIBITION.

With regard to par. 53 of the First Report of the Committee, relating to the balance, now amounting to 77 l. 3 s. 10 d., which remains to be accounted for in respect of the Vote for the Paris International Maritime Exhibition 1875-6, my Lords have only to record that, finding direct communication with Mr. Johnson to be unsuccessful in procuring either the requisite vouchers for the expenditure, or the refund of this sum, they have placed the matter in the hands of their solicitor.

20,806—77.

V.—EXCHEQUER EXTRA RECEIPTS.

In pars. 54 of their First, and 19 and 43 of their Second Report, the Committee refer to a forthcoming scheme dealing with the general subject of Exchequer Extra Receipts. My Lords regret that they were unable to cause this scheme to be submitted to the Committee during the Session of 1878. Considerable progress towards the end in view has, however, been made this year through the medium of a Departmental Committee presided over by the Financial Secretary to the Treasury, which collected a large quantity of evidence, and is preparing a Report which, my Lords hope, will enable the Committee of Public Accounts of next Session to arrive at a practical decision on the subject.

VI.—NOTES OF EXTRA REMUNERATION.

13,973—77.

Adverting to par. 55 of the First Report, my Lords note with satisfaction that the Committee approve of the directions laid down in their Minute of 31st October 1877, regarding the record of extra remuneration of salaried officers, in the Estimates and Appropriation Accounts.

VII.—REVENUE DEPARTMENTS AND TELEGRAPH CAPITAL.

Write to the Commissioners of Customs.

Gentlemen,

The Lords Commissioners of Her Majesty's Treasury desire me to transmit to you, for your information, the enclosed copy of par. 1 of the Second Report of the Public Accounts Committee, 1878, relating to the Appropriation Account of the Customs Vote, 1876-7.

My Lords understand the Committee to approve of the manner in which law charges are now grouped together in the Customs Estimate. If possible, they will cause the plan to be applied to the estimates of the other Revenue Departments.

The surplus of 7,441 l. 19 s. 4 d., shown upon the account, has been surrendered to the Exchequer by a write off from the vote for 1876-7.

I am, &c.

Write

Write to the Commissioners of Inland Revenue.

Gentlemen,

THE Lords Commissioners of Her Majesty's Treasury desire me to transmit to you, for your information, the enclosed copies of paras. 1 and 2 of the Second Report of the Public Accounts Committee, 1878, relating to the Appropriation Accounts of the Customs and Inland Revenue Votes, 1876-77.

My Lords would be glad if you will consider whether, in the Inland Revenue Estimate for 1879-80, it will not be possible to adopt the plan followed in the Customs Estimate, of grouping the salaries of your solicitors' offices with other law expenses, so as to show all legal charges together in a single series of Sub-Heads. The practical difficulties which heretofore prevented the application of this arrangement to your estimate seem now to be, in a great measure, removed.

The surplus of 25,583 *l.* 5 *s.* 11 *d.* shown upon the account, has been surrendered to the Exchequer by a write off from the vote for 1876-77.

I am, &c.

Write to the Postmaster General.

My Lord,

THE Lords Commissioners of Her Majesty's Treasury desire me to transmit to your Lordship the enclosed copy of paras. 1 and 3 to 12 of the Second Report of the Public Accounts Committee, 1878, relating to the Appropriation Accounts of the Customs, Post Office, Packet Service, and Telegraph Votes, and to the Telegraph Capital Account, 1876-77.

With regard to para. 1, my Lords request your Lordship to consider, before the Estimates of your Department for 1879-80 are prepared, how far it may be practicable to adopt the plan followed in the Customs Estimate, of grouping legal salaries and other law charges together in a distinct series of Sub-Heads, an arrangement which seems to meet with the approval of the Committee.

My Lords may observe that this idea of bringing all law charges into one view originated in the Legal Business Committee of 1875, who experienced some inconvenience in pursuing their inquiry from such charges being scattered in different parts of an estimate.

The important questions of—

(a.) The test examination of the London District and Provincial Post Office Accounts.

(b.) The mode of remunerating Sub-Postmasters and Receivers:

(c.) The mode of obviating the present loss on the smaller Government Annuities and Insurances:

(d.) The apportionment of rent of premises jointly occupied for Postal and Telegraph Services:

(e.) The position of uncertificated temporary employes in provincial Post Offices:

referred to in paras. 3 to 7, will shortly engage the attention of this Board.

My Lords hope that the outstanding questions between the Post Office and the Royal Mail Steam Packet Company (para. 8), and the agreements with the Greenock and Ayrshire, and the Leven and East of Fife Railway Companies (para. 12), will be settled without much further delay.

The surpluses shown upon the Appropriation Accounts of the Post Office, Packet Service, and Telegraph votes have been surrendered to the Exchequer, as follows:—

The surplus of 20,059 *l.* 14 *s.* 6 *d.* on the Post Office vote, by a write off from the vote for 1876-77.

The surplus of 903 *l.* 19 *s.* 1 *d.* on the Packet Service Vote, by a write off from the vote for 1877-78.

And the surplus of 37,357 *l.* 7 *s.* 1 *d.* on the Telegraph Vote, by a write off of 23,743 *l.* 1 *s.* 3 *d.* from the vote for 1876-77, and a write off of 13,613 *l.* 18 *s.* 10 *d.*, from the vote for 1877-78.

I am, &c.

Let the surpluses on the several Revenue Department Votes for 1876-77 be surrendered to the Exchequer in the manner described in the foregoing three letters.

VIII.—NAVY APPROPRIATION ACCOUNT, &c.

Write to the Secretary to the Admiralty.

Sir,

THE Lords Commissioners of Her Majesty's Treasury desire me to transmit to you, for the information of the Lords Commissioners of the Admiralty, the enclosed copy of paras. 13 to 21 and 50 of the Second Report of the Public Accounts Committee, 1878, relative to the Navy Appropriation Account, and the Greenwich Hospital and School Accounts, 1876-77.

Appendix.

11,031—78.

Para. 13. My Lords concur in the suggestion of the Committee that, in cases of doubt as to the mode of classifying expenditure under Sub-Heads, the Comptroller and Auditor General should be enabled to refer to the correspondence or other documentary evidence in the Admiralty, calculated to show the exact nature of the charge.

Para. 14. My Lords regret that your letter of 2nd July last, respecting the expenditure on the "Warspite," late "Conqueror," should not have yet been answered.

They now give their sanction to the expenditure of 1,008 *l. 1 s. 2 d.* in fitting up this vessel as a training ship, and desire me at the same time to state that the amount would in their opinion be most properly charged, as a charitable contribution, to Vote 14, Sub-Head G., as suggested by the Comptroller and Auditor General.

Para. 17. My Lords concur in the view of the Committee, that payments should only be made to contractors upon certificates from the proper officer that equivalent work has actually been done.

Para. 18. Their Lordships hesitate to accept, without explanation, the view taken by the Committee as to the discharge of liabilities in excess of the grant within the year, but as the matter is somewhat intricate they will reserve opinion for another occasion.

Para. 20. With regard to outstanding balances, as shown in the balance sheets of the Departments, my Lords are glad to see the attention which the Comptroller and Auditor General has given to items appearing to him to require explanation.

13,710—78.

Para. 21. My Lords are glad to learn that accommodation has been provided at the Admiralty for the officers of the Comptroller and Auditor General, who will be appointed for the purpose of applying the detail test audit to the Navy Accounts.

It only remains for my Lords to say that they have caused the net surplus of 37,037 *l. 8 s. 7 d.*, shown on the Navy Appropriation Account for 1876-77, to be surrendered to the Exchequer by means of a write off from Navy votes for 1877-78.

I am, &c.

Written off October 1878.

Let the above surplus of 37,037 *l. 8 s. 7 d.* be written off accordingly.
Acquaint Paymaster General.

IX.—ARMY ACCOUNTS.

Write to the Financial Secretary, War Office.

Sir,

THE Lords Commissioners of Her Majesty's Treasury desire me to transmit to you, for the information of the Secretary of State for War, the enclosed copy of paragraphs 22 to 38, 40 to 42, and 51 to 53 of the Second Report of the Public Accounts Committee, 1878, relating to the Army Appropriation Account, the Fortification Defences Loan Account, the Military Forces Localization Account, and the account of the vote for Indian Army Charges, 1876-77, upon which my Lords will make a few remarks, *seriatim*—

Army Appropriation Account.

Para. 22. My Lords hope that accommodation will shortly be provided for the Army Test Audit Staff in Winchester House, and are in communication with the First Commissioner of Works on the subject.

Para. 25. Their Lordships agree with the Committee that contingent allowances to the yeomanry cavalry regiments must, like the capitation grants to volunteer regiments, be regarded as final charges, so far as Army Votes are concerned. This seems to them to be the only practicable arrangement; although, no doubt, in the event of a regiment being disbanded, any surplus in the hands of the commanding officer reverts to the Exchequer. At the same time, as a matter of administration, it is most desirable, not only to require commanding officers to render an account of their expenditure, but occasionally to check the balances of individual officers, and, for this purpose, the Secretary of State might employ members of the War Office Account Staff.

My Lords will be glad to receive any observations on the subject which Colonel Stanley may like to offer, with a view to carrying out the suggestion of the Committee.

19,021—77.

Para. 26. The Secretary of State will observe that the Committee are in favour of opening a separate Sub-Head for expenditure on account of the Intelligence Department. This question was brought before the Treasury by the Comptroller and Auditor General, in a letter dated 12th December 1877 (not 25th January, as stated in Section 12 of his Report on the Army Account), and my Lords regret that notice was not then taken of it. They presume the wish of the Committee to be that a separate Sub-Head should be opened in Vote 1, for the salaries of the Department, and another Sub-Head in Vote 10, for the travelling and other expenses of the Department. Such an arrangement would make it easier for the Comptroller and Auditor General to see whether the Treasury limit of 4,000 *l.* per annum was being observed; and the fact that the expenditure is not subject to "open audit" is an additional reason for separating it completely from other expenditure in the manner which distinct Sub-Heads would effect. Looking, however, to the

the highly confidential nature of the service, my Lords, before expressing a decided opinion, on the proposal of the Committee, would be glad to learn the views of the Secretary of State.

Para. 27. In accordance with the recommendation of the Committee, my Lords have added the sum of 2,714 *l.* 10 *s.*, the amount of the disallowed charge for purchase of land in Malta, to the surplus of 141,255 *l.* 5 *s.* 10 *d.* shown on the Army Account, as rendered, and have caused the latter sum to be written off from the Army Votes for 1877-78, and the former from the Army Votes for 1878-79, thereby making a total surrender to the Exchequer of 143,969 *l.* 15 *s.* 10 *d.*

Para. 29. My Lords agree with the Committee and the Comptroller and Auditor General that the pensions of military warders ought to be charged to Vote 24, Superannuations, instead of to Vote 23, Out-pensions. The main purport of the Treasury letter of 19th January 1863, by which the charge to Vote 23 is justified, was to sanction the calculation of these pensions according to the rules of the Civil Superannuation Act, and no special consideration seems to have been given to the question of the particular army vote in which they ought to be provided.

Para. 30 to 33. The remarks of the Committee regarding the military contributions of the different Colonies, and in particular those of Ceylon and Honduras, meet with my Lords entire concurrence. These contributions form a very important branch of the miscellaneous revenue, but are as yet on a most unsatisfactory footing. In the course of 1876-77, my Lords endeavoured, unsuccessfully, to obtain something like complete information as to the Colonies owing contributions, the amounts annually due, the basis of the agreement, *i.e.*, whether it is for a capitation rate or a fixed sum, and whether founded on actual expenditure in sterling or local currency, and whether the amount is fixed in sterling or in local currency, the dates of the agreements, their duration, the dates at which payments are due, and the periods in respect of which they are due, and, lastly, the amount and cause of arrears, if any.

The whole subject requires close investigation (perhaps by a Departmental Committee), and should be brought more directly under the jurisdiction of the Treasury, which is specially responsible to Parliament for the due collection of every branch of revenue. Each contribution should be fixed upon perfectly clear and simple conditions, subject to the previous sanction of this Board, and should never be allowed to fall into arrear without the knowledge of the Treasury. Nor should any modification be made in it, such as was involved in the transfer of the charge for the pensions of the Ceylon Rifles, without previous Treasury sanction.

The course taken in regard to the above pensions, of first omitting them from the Army Estimates, and then continuing to pay them from Army Votes, is justly censured by the Committee, and was in fact a repetition, on a smaller scale, of the grave irregularities in connexion with Indian army charges, which have been the recent occasion of serious financial embarrassment.

My Lords have as yet had no reply from the Secretary of State to their letter of 17th May last as to the manner of dealing with the sum of 24,252 *l.* 16 *s.* 1 *d.* advanced by the War Office on this account without the sanction of the Treasury or of Parliament.

As regards the sum of 28,984 *l.* 8 *s.* 10 *d.* received from Honduras, my Lords inquired in their letter of 3rd July 1878 whether Colonel Stanley saw any objection to its payment into the Exchequer; and the Secretary of State has expressed his concurrence in the proposal.

The remaining paragraphs regarding the Army Appropriation Account do not seem to call for remark.

Fortifications Loan Account.

Para. 40. My Lords presume that this account will not remain open much longer. When the works are completed, their Lordships will be prepared to join with the Secretary of State in the certificate necessary under 32 & 33 Vict. c. 76, for authorising the employment of surpluses on certain heads to meet excesses on others.

Military Forces Localisation Account.

Paras. 41 and 42 raise a serious question regarding the powers of this Board, under 35 & 36 Vict. c. 68, which my Lords feel ought not to be left in doubt.

Under sect. 6 of the Act the total expenditure is limited to 3,500,000 *l.*, and in defraying this expenditure regard is to be had to the several heads set forth in the schedule to the Act; but the Secretary of State and the Treasury, conjointly, are empowered to apply in aid of expenditure, under any one of the heads, such sum in excess of the amount estimated in the schedule as can be saved under any other heads, provided the above limit of the total expenditure be not exceeded.

Further, under sub-sect. 2 of sect. 9 the account of expenditure under the Act is to show the whole, arranged under the heads mentioned in the schedule.

My Lords think it evident from these provisions that they have no power to sanction any expenditure under the Act which cannot, without unreasonable strain, be classified under one of the heads of the schedule. The question to be decided, therefore, is, whether the cost of building new head-quarter offices at York, and the purchase of a training ground,

Appendix.

20,859—77.
9096.
11,518—78.176—63.
388—78.

14,427—76.

6306—78.

7806—78.

2043—78.

604—78.
3873—78.

Appendix.

ground, both at Strensall, near York, and at Aldershot, can be classified under any head or heads of the schedule.

On full consideration, my Lords agree with the Committee that the cost of building the head-quarter offices at York cannot be so classified. The expense is clearly not for providing dépôt centres, or dépôt storehouses, or barracks, or store establishments, nor can it be called a contingency. The Secretary of State has, however, considered that it might be classed under "Purchase of Land, &c., for a Tactical Training Station," presumably because the removal of the head quarters from Manchester to York has some connexion with the establishment of the training station at Strensall. This view was at first accepted by my Lords, but on further consideration they doubt its soundness.

They request, therefore, that provision may be made in the next Army Estimates for the repayment to the Military Forces Localisation Account of whatever has been advanced from it for these buildings, and for any further expenditure thereon that may be necessary.

With regard to the mode of charging the purchase of a training ground in more than one place, when the schedule speaks of only "a suitable training station," a phrase adopted at a time when a single central station was contemplated, my Lords think the course taken by the War Office admits of justification; but, on full consideration of the circumstances, they concur with the opinion expressed by the Committee, that the purposes to which loans may be applied should be more specifically defined, and they have no doubt that Parliament will give due consideration to this suggestion when the next opportunity of putting it into practice arises.

Indian Army Charges Vote Account.

The Committee defer their final Report upon this Account until next year; my Lords, therefore, cannot give any instructions as to the mode of providing for the deficit of 15,050*l.* 3*s.* 3*d.*

I am, &c.

Written off October
1878.

Let the amended surplus of 143,969*l.* 15*s.* 10*d.* on the Army Appropriation Account for 1876-77 be surrendered to the Exchequer by writing off 141,255*l.* 5*s.* 10*d.* from Army Votes for 1877-78, and 2,714*l.* 10*s.* from Army Votes for 1878-79.

Acquaint Paymaster General.

X.—ARMY PURCHASE COMMISSION ACCOUNT.

Write to the Army Purchase Commissioners.

Gentlemen,

THE Lords Commissioners of Her Majesty's Treasury direct me to transmit to you, for your information, the enclosed copy of para. 39 of the Second Report of the Committee of Public Accounts, 1878, relative to the Appropriation Account of the Army Purchase Commission Vote, 1876-77.

My Lords agree with the Committee and the Comptroller and Auditor General that you should obtain the receipt of the officer entitled to compensation, or of some person empowered to give a final acquittance on his behalf, before taking credit in your accounts for payments for compensation.

Their Lordships have caused the surplus of 280*l.* 10*s.* 5*d.*, shown on the account, to be surrendered to the Exchequer by a write off from the Army Purchase Commission Vote, 1877-78.

I am, &c.

Written off October
1878.

Let the said surplus of 280*l.* 10*s.* 5*d.* be written off accordingly.

Acquaint Paymaster General.

XI.—CHELSEA HOSPITAL ACCOUNT.

Write to the Commissioners of Chelsea Hospital.

Sir, My Lords, and Gentlemen,

I AM directed by the Lords Commissioners of Her Majesty's Treasury to transmit, for your information, the enclosed copy of paras. 43 and 44 of the Second Report of the Public Accounts Committee, 1878, relating to the Chelsea Hospital Account for 1876-77.

When the forthcoming scheme for dealing with extra receipts has arrived at maturity, my Lords will be prepared to consider whether any change should be made in the present mode of defraying the expenses of the Hospital, as suggested by the Committee in para. 43.

Para. 44, as to the expediency of employing the intervention of the Charity Commissioners in dealing with the legacy funds of the Hospital, does not seem to demand any remark on the part of my Lords.

XII.—CONSOLIDATED FUND ACCOUNT.

Paras. 45 to 48 of the Second Report do not require any directions from this Board.

XIII.—CIVIL CONTINGENCIES FUND ACCOUNT.

My Lords have dealt with para. 49 of the Second Report, relating to this Account, in the letter to the Foreign Office, which will be found in a former part of this Minute.

(Page 34.)

XIV.—COPY TO EXCHEQUER AND AUDIT OFFICE.

Write to the Comptroller and Auditor General.

Sir,

I AM directed by the Lords Commissioners of Her Majesty's Treasury to transmit to you, for your information and guidance, the enclosed copy of their Minute of 25th September 1878, upon the First and Second Reports of the Committee of Public Accounts, 1878.

My Lords would request your special attention to the letter to the Colonial Office embodied in it, relative to the audit of the Accounts of Crown Colonies.

I am, &c.

APPENDIX.

TABLE I.

COLONIES that have received GRANTS-in-AID as shown in the Appropriation Accounts and Estimates since 1868-9 inclusive (including the West African Steamer).

C O L O N Y.	1868-9.		1869-70.		1870-1.		1871-2.	
	Grant.	Expenditure.	Grant.	Expenditure.	Grant.	Expenditure.	Grant.	Expenditure.
	£.	£. s. d.	£.	£. s. d.	£.	£. s. d.	£.	£. s. d.
Bermudas - - - -	2,500	3,050 - -	-	-	-	-	-	-
Gambia - - - -	2,000	2,000 - -	1,500	1,500 - -	1,000	1,000 - -	-	-
Gold Coast - - - -	4,500	4,500 - -	2,000	2,000 - -	-	-	-	-
Lagos - - - -	3,500	3,500 - -	-	-	-	-	-	-
Heligoland - - - -	1,690	1,148 7 -	1,710	1,714 6 6	3,490	1,555 13 6	3,380	3,528 12 8
Falklands - - - -	5,768	6,018 - -	4,132	4,132 - -	3,800	3,800 - -	3,500	3,500 - -
Labuan - - - -	3,500	3,300 - -	-	-	-	-	-	-
St. Helena - - - -	3,000	3,000 - -	-	-	-	-	5,158	5,158 - -
Virgin Islands - - - -	3,000	641 17 11	2,358	-	-	2,357 4 8	-	-
Malta - - - -	-	-	-	-	-	-	8,000	8,000 - -
West Coast of Africa, Steamer -	5,000	603 10 4	15,900	15,847 18 9	5,000	1,719 18 11	5,000	-

(continued.)

C O L O N Y.	1872-3.		1873-4.		1874-5.		1875-6.	
	Grant.	Expenditure.	Grant.	Expenditure.	Grant.	Expenditure.	Grant.	Expenditure.
	£.	£. s. d.	£.	£. s. d.	£.	£. s. d.	£.	£. s. d.
Bermudas - - - -	-	-	8,506	8,506 - -	-	-	-	-
Gold Coast - - - -	-	-	40,000	40,000 - -	35,000	35,000 - -	-	-
Lagos - - - -	20,000	20,000 - -	-	-	-	-	-	-
Heligoland - - - -	1,580	1,559 13 1	4,480	4,742 18 9	1,480	1,473 12 5	1,500	1,473 18 7
Falklands - - - -	3,500	3,500 - -	3,500	3,500 - -	3,500	3,500 - -	3,500	3,500 - -
Leeward Islands - - - -	17,888	15,400 - -	7,888	7,885 10 4	4,688	4,688 - -	4,688	4,688 - -
Fiji Islands - - - -	-	-	-	-	-	-	40,000	40,000 - -
West Coast of Africa, Steamer	5,000	5,000 - -	4,000 2,500	4,000 - - 2,353 16 8	8,186	5,980 - -	4,500	4,472 4 3

(continued.)

C O L O N Y.	1876-7.		1877-8.	1878-9.
	Grant.	Expenditure.	Grant.	Grant.
	£.	£. s. d.	£.	£.
Sierra Leone - - - -	38,000	38,000 - -	-	-
Gambia - - - -	3,000	3,000 - -	1,200 (mail service.)	1,200 (mail service.)
Heligoland - - - -	1,500	1,492 12 -	1,500	1,500
Falklands - - - -	3,500	3,350 - -	3,500	2,974
St. Helena - - - -	5,500	5,500 - -	-	-
Leeward Islands - - - -	4,688	4,688 - -	3,000	3,000
Fiji Islands - - - -	35,000	35,000 - -	30,000	-
Transvaal - - - -	-	-	100,000	-
Bahamas (Mail Service) - - - -	-	84 - -	1,081	834
West Coast of Africa, Steamer	3,000	3,000 - -	3,000	3,000

TABLE II.

LIST of ESTIMATES of COLONIES receiving Grants-in-Aid submitted to the Treasury since 1870, inclusive.

Colony.	Period of Estimate.	Date of Receipt at Treasury.	No. of Treasury Paper.
Falkland Islands - - -	Year to 31 March 1871 - -	23 Dec. 1869	21,170—69
Ditto - - -	Year to 31 March 1872 - -	9 Jan. 1871	438—71
Ditto - - -	Year to 31 March 1873 - -	29 Jan. 1872	1907—72
Ditto - - -	Year to 31 March 1874 - -	7 Dec. 1872	18,542—72
Ditto - - -	Year to 31 March 1875 - -	27 Jan. 1874	1775—74
Ditto - - -	Year to 31 March 1876 - -	8 Feb. 1875	2454—75
Ditto - - -	Year to 31 March 1877 - -	8 Sept. 1877	14,675—77
Ditto - - -	9 months to 31 Dec. 1877 - -	6 Sept. 1877	14,548—77
Ditto - - -	Year to 31 Dec. 1878 - -	11 Jan. 1878	656—78
Gambia - - -	Year to 31 Dec. 1870 - -	10 Mar. 1870	5014—70
Ditto - - -	Year to 31 Dec. 1870 (supplementary.)	9 Jan. 1871	437—71
Ditto - - -	Year to 31 Dec. 1871 - -	6 Dec. 1870	21,507—70
Ditto - - -	Year to 31 Dec. 1872 - -	13 Mar. 1872	4513—72
Ditto - - -	Year to 31 Dec. 1873 - -	31 Mar. 1873	5159—73
Ditto - - -	Year to 31 Dec. 1878 - -	6 June 1878	9462—78
Gold Coast - - -	Year to 31 Dec. 1870 - -	23 May 1870	10,146—70
Ditto - - -	Year to 31 Dec. 1871 - -	7 Dec. 1870	21,523—70
St. Helena - - -	Year to 31 Dec. 1870 - -	10 Nov. 1869	18,564—69
Ditto - - -	Year to 31 Dec. 1871 - -	12 Dec. 1870	21,825—70
Ditto - - -	Years to 31 Dec. 1872 and 1873	21 Jan. 1873	1140—73
Ditto - - -	Year to 31 Dec. 1874 - -	17 Jan. 1874	1093—74
Ditto - - -	Year to 31 Dec. 1875 - -	19 Aug. 1874	13,502—74
Ditto - - -	Year to 31 Dec. 1878 - -	6 June 1878	9461—78
Lagos - - -	Year to 31 Dec. 1869 (supplementary.)	2 Nov. 1870	19,497—70
Ditto - - -	Year to 31 Dec. 1870 - -	28 Feb. 1870	4177—70
Ditto - - -	Year to 31 Dec. 1870 (supplementary.)	2 Nov. 1870	19,499—70
Ditto - - -	Year to 31 Dec. 1871 - -	19 Dec. 1870	22,222—70
Fiji Islands - - -	Year to 31 Dec. 1878 - -	6 July 1878	11,243—78

TABLE III.

RETURNS of REVENUE, EXPENDITURE and DEBT of COLONIES received in the Treasury since 1870, inclusive.

Treasury No.	Colony.	Period of Account, &c.	Date of Receipt at Treasury.
7563—71	Jamaica - - -	1869—70 - - -	3 May 1871
7511—71	Tobago - - -	1870 - - -	3 May 1871
8916—71	Trinidad - - -	1870 - - -	29 May 1871
9109—71	Dominica - - -	1869—70 - - -	2 June 1871
4436—71	Canada - - -	1869—70 - - -	16 Mar. 1871
8634—74	ditto - - -	Various - - -	23 May 1874
18,942—70	Western Australia - - -	1869 - - -	24 Oct. 1870
9223—71	- ditto - - -	1870 - - -	5 June 1871
6879—75	- ditto - - -	1874 - - -	26 April 1875
12,071—76	- ditto - - -	1875 - - -	21 July 1876
17,766—70	Barbadoes - - -	1869 - - -	30 Sept. 1870
6368—71	- ditto - - -	1870 - - -	15 April 1871
8549—72	- ditto - - -	1871 - - -	18 May 1872
12,192—73	- ditto - - -	1872 - - -	11 Aug. 1873

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TABLE III.--Returns of Revenue and Expenditure in the Colonies--*continued*.

Treasury No.	Colony.	Period of Account, &c.	Date of Receipt at Treasury.
17,766--70	St. Vincent - - - -	1869 - - - -	30 Sept. 1870
14,591--71	- ditto - - - -	1870 - - - -	19 Sept. 1871
6982--72	- ditto - - - -	1871 - - - -	8 April 1872
4842--73	- ditto - - - -	1872 - - - -	25 Mar. 1873
4656--74	- ditto - - - -	1873 - - - -	18 Mar. 1874
4975--75	- ditto - - - -	1874 - - - -	23 Mar. "
8662--76	- ditto - - - -	1875 - - - -	22 May 1876
5292--78	- ditto - - - -	1877 - - - -	27 Mar. 1878
4832--71	Bahamas - - - -	1870 - - - -	15 Mar. 1871
3790--72	- ditto - - - -	1871 - - - -	1 Mar. 1872
4841--73	- ditto - - - -	1872 - - - -	25 Mar. "
6591--74	- ditto - - - -	1873 - - - -	21 April 1874
5817--75	- ditto - - - -	1874 - - - -	8 April 1875
6074--71	Bermuda - - - -	1870 - - - -	10 April 1871
9156--77	- ditto - - - -	1871--76 - - - -	30 May 1877
17,299--70	New Zealand - - - -	Financial statement, 1870 -	17 Sept. 1870
4,018--71	- ditto - - - -	Returns, 1869 - - -	9 Mar. 1871
and			and
21,458--70	- ditto - - - -	Financial statement, 1871 -	6 Dec. 1870
18,719--71	- ditto - - - -	Financial statement, 1872 -	6 Dec. 1871
18,441--72	- ditto - - - -	Financial statement, 1872 -	5 Dec. 1872
5,413--73	- ditto - - - -	Various accounts, 1871 72 -	4 April 1873
15,659--74	- ditto - - - -	1873--74 - - - -	10 Oct. 1874
15,642--75	- ditto - - - -	Financial statement, 1875 -	16 Oct. 1875
17,748--76	- ditto - - - -	Financial statement, 1876 -	10 Nov. 1876
7490--72	St. Helena - - - -	{ 1870--71 - - - -	{ 1 May 1872
7757--72		{ Comparative statement -	{ 4 May "
6130--73	- ditto - - - -	1872 - - - -	18 April 1873
6131--73		1873 - - - -	20 Mar. 1874
4778--74	- ditto - - - -	Half year to June 1874 -	31 Aug. "
13,996--74	- ditto - - - -	1877--78 - - - -	13 Aug. 1878
13,361--78	- ditto - - - -		
8978--78	Heligoland - - - -	1876 - - - -	29 May "
10,132--78	- ditto - - - -	1877 - - - -	17 June "
11,973--78	- ditto - - - -	1875 - - - -	18 July "
19,644--70	St. Lucia - - - -	1869 - - - -	4 Nov. 1870
18,215--72	- ditto - - - -	1873--74 - - - -	2 Dec. 1872
19,218--74	- ditto - - - -	1875 - - - -	16 Dec. 1874

Note.—Several of the returns included in this table do not correspond with those which the Colonial Office undertook to furnish.

COPY of TREASURY MINUTE, dated 29th July 1870, respecting the audit of various Accounts, including those of certain Colonies.

10,531--69.

Write to the Comptroller and Auditor General, in reply to his letter of 16th June 1869, that my Lords consider it desirable that the examination and audit of the under-mentioned accounts, which was, previous to the Exchequer and Audit Departments Act, undertaken by the Commissioners for auditing the Public Accounts, should continue to be conducted by him, viz. :—

Account of the Admiralty Court Suitor's Fund.

Accounts of Colonies in receipt of aid from Imperial Funds; the audit to be continued for three years after the cessation of such aid.

Accounts of the Emigration Commissioners in respect of Colonial Funds.

Accounts of the Isle of Man Accumulated Fund.

" " One-ninth Revenue.

" " Fine Fund.

" " Police Pay.

" " Criminal Lunatics.

Account of Valuation of Lands, Ireland.

Fees.

My Lords are therefore pleased to direct the Comptroller and Auditor General to continue

continue to carry on the examination and audit of the accounts in question in the same manner as that hitherto adopted, and they desire that he will satisfy himself in each case of the correctness of the vouchers for expenditure, and of the sufficiency of the authorities under which such expenditure has taken place.

State that directions will be given to include the accounts of the Coroner and Attorney, Court of Queen's Bench, and that of the Privy Seal Office Fees in the respective Monthly Appropriation Accounts of the Votes for Common Law Courts, England, and for the department of the Lord Privy Seal, and that it will be therefore unnecessary for the Comptroller and Auditor General to continue a separate audit of such accounts.

Add that my Lords have directed a copy of this Minute to be laid before Parliament.

Let the necessary steps be taken in the Financial Division of this Department for including the account of the Coroner and Attorney, Court of Queen's Bench, in the Monthly Appropriation Account of the Vote for Common Law Courts, England.

Write to the Chief Clerk of the office of Lord Privy Seal that the attention of my Lords has been called by the Comptroller and Auditor General to the account hitherto rendered by him to the Exchequer and Audit Department of receipts and payments in respect of fees, &c.

State that my Lords consider it desirable that this account should be henceforward incorporated with the Monthly Appropriation Account of the Vote for the department of the Lord Privy Seal, and be no longer separately rendered.

Request that the necessary steps may therefore be taken for this purpose.

Let a copy of this Minute be laid before Parliament.

TREASURY CONTROL OVER COLONIAL EXPENDITURE, AND IMPERIAL AUDIT OF COLONIAL ACCOUNTS.

The Colonial Office to the Treasury.

Sir,

Downing-street, 1 January 1879.

1. I AM directed by Sir Michael Hicks Beach to acquaint you that he has had under his consideration your letter of the 25th of September (No. 14,398—78), which was received in this Department on the 24th of the following month.

2. I am to express his regret that the understanding of 1870, under which the Estimates of Colonies receiving Grants in aid of Revenue were to be transmitted to the Lords Commissioners of the Treasury, and under which their Lordships were to be furnished with Returns of Revenue, Expenditure, and Debt from Colonies receiving aid in the shape of Governors' Salaries or other specific Grants or Loans, has not been observed with perfect regularity, and I am to state that he is prepared to take steps for ensuring its regular observance in future.

3. But, as regards the transmission to the Treasury of the Estimates of Colonies receiving Grants in aid of Revenue, I am to point out that it seems doubtful whether some of the cases mentioned in the Tables accompanying your letter fall within the scope of the agreement, and that in the remaining cases the agreement appears to have been duly observed when it has been practicable to do so, with the exception of the Gold Coast and Fiji.

4. The Virgin Islands Grant of 1868-69 was of earlier date than that agreement, and was treated as if it had been a specific grant, for the relief of distress occasioned by an overwhelming public calamity. The Grant of 1869-70 was merely a re-vote *pro forma* of the unexpended portion of the Grant of the previous year. The Malta Grant of 1871-72, and the Bermuda Grant of 1873-74, though in point of form Grants in aid, were really Imperial contributions for public works in which the Imperial Government was interested, and were not granted on account of any failure in the Colonial finances. The so-called Lagos Grant of 1872-73 was only a loan which has since been repaid. The Bahamas Grant, and the present Gambia Grant, are really for specific purposes, viz., Mail Service. The West Coast of Africa Grant is a "specific grant," viz., for a mail steamer. The Leeward Islands Grant of 1872-73 comprised 23,200*l.* for a steamer, and 4,688*l.*, the amount of certain salaries which had previously been paid from Imperial funds. The latter sum continued to be provided until 1876-77, in accordance with the understanding of 1872, and the Lords Commissioners of the Treasury have consented to a further grant of 3,000*l.* per annum, for the maintenance of the steamer from 1877-78 to 1879-80 inclusive. In a letter, dated the 13th of April 1872, the Audit Office stated that the Comptroller and Auditor General concurred in the opinion expressed by this Department, that, taking into consideration the circumstances of this grant, it would not be necessary that the accounts of the Leeward Islands Colony should be sent to him for examination and audit. It seems doubtful whether any of the above cases called for the transmission of the Annual Estimates to the Treasury, and whether some of them even called for the transmission of the Returns of Revenue, Expenditure, and Debt.

I am to add that the annual Estimates are not submitted for the consideration of the Secretary of State, from the Bahamas and the Bermudas, which are representative Colo-

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Appendix

nies ; and I am to point out that the Leeward Islands Colony has no revenue but what is contributed by the individual Islands for federal purposes, and that the West Coast of Africa is merely a geographical expression.

5. The estimates of Colonies receiving Grants in aid of Revenue, properly so called, appear to have been regularly transmitted to the Treasury in the following cases :—

(1.) Falkland Islands.

(2.) St. Helena. This Colony received a Grant in 1868–69 and again in 1871–72, and the Estimates were regularly transmitted until 1876 inclusive (although this year is not mentioned in the Tables accompanying your letter), which was three years later than the specified time. A further Grant was sanctioned in January 1877, when the Estimates for that year had been already disposed of, but those for 1878 were duly transmitted to the Treasury.

(3.) Gambia. This Colony received a Grant up to 1870–71, and the Estimates were transmitted to the Treasury till 1873, when their Lordships declined to receive any more. A further Grant was made in January 1877, when the Estimates for that year had been disposed of, but those for 1878 were transmitted to the Treasury.

(4.) Lagos.

(5.) Sierra Leone. This Colony received a Grant in January 1876–77. The original Estimates for that year were returned to the Colony to be redrawn. Owing to local difficulties they have only lately been received in proper shape, together with the Estimates for 1878. Both Estimates have now been sent to the Treasury.

6. The Lords Commissioners of the Treasury have had before them the fact that no Estimates are received from Heligoland.

No Estimates have yet been received from the Transvaal, but Mr. Sargeant's Report upon the financial condition of that Colony has been communicated to the Treasury. The Labuan Grant of 1868–69 was of earlier date than the agreement, but the Estimates for 1870 were transmitted to the Treasury, although this is not stated in the Tables accompanying your letter.

7. There has been an undoubted failure to transmit regularly to the Treasury the Returns of Revenue, Expenditure, and Debt, from Colonies receiving aid in the shape of Governors' salaries, or other " Specific Grants " or loans, owing partly to the omission of Colonial Governments to supply these Returns, though, of course, the Secretary of State recognises that it is the duty of his Department to see that all needful Returns are promptly rendered. The requirement has ceased to apply to some Colonies to which it was at first applicable, *e.g.*, Montserrat, St. Kitts, Virgin Islands, British Guiana, and Trinidad ; and before issuing renewed instructions, Sir M. Hicks-Beach would be glad to be furnished with lists (1) of those Colonies from which, in their Lordships' opinion, only the Estimates should be transmitted to the Treasury ; (2), of those Colonies from which only Returns of Revenue, Expenditure, and Debt, should be transmitted ; and (3), of those Colonies from which both Estimates and Returns should be transmitted.

8. With regard to the 24th paragraph of your letter, I am to state that Sir Michael Hicks Beach presumes that the instructions to the Comptroller and Auditor General do not extend to the Accounts of past years, the Estimates for which, though the Accounts are still under examination at the Audit Office, may not have been formerly sanctioned by the Lords Commissioners of the Treasury.

The Secretary to the Treasury.

I am, &c.
(signed) R. G. W. Herbert.

The Colonial Office to the Treasury.

Sir,

Downing-street, 26th February 1879.

WITH reference to the letter from this office of the 1st of January, I am directed by Sir Michael Hicks Beach to transmit to you the accompanying copy of a memorandum which has been prepared with a view to facilitating the settlement of the question of what colonies the Estimates should be sent to the Treasury for approval, and of what colonies Returns of Assets and Liabilities should be sent for information.

The Lords Commissioners of the Treasury will have gathered from that letter that Sir Michael is not prepared to accept as accurate the statement contained in your letter of the 25th of September (14,398–78), and as the matter is not yet finally settled, he trusts that the last-named letter will not be communicated to Parliament or laid before the Public Accounts Committee ; or if this is done, that the letter from this office of the 1st of January and the present letter may be presented together with it.

The Secretary to the Treasury.

I am, &c.
(signed) R. G. W. Herbert.

MEMORANDUM.

ONLY those Colonies to be regarded as "grant in aid" Colonies, which are in the regular receipt of annual grants in aid of their general expenditure, *e.g.*, Falkland Islands and Heligoland, and only the Estimates of those Colonies to be sent to the Treasury for approval.

Returns of Revenue, Expenditure, and Debt, to be sent to the Treasury only in the following cases:—

(1.) Colonies that have at times received grants in aid of their financial difficulties, which are to be repaid, if possible, *e.g.*, Fiji, Sierra Leone, Transvaal; the return to be sent until the liability is cancelled.

(2.) Colonies in which (a) any salaries are paid from Imperial Funds, *e.g.*, Antigua, Bahamas, Bermuda, Sierra Leone, Western Australia, Windward Islands, except St. Lucia; or (b) which are in regular receipt of specific grants, *e.g.*, West Coast of Africa (steamer).

(3.) Colonies not being responsible Government Colonies, having guaranteed loans, or loans from the Imperial Government which have not yet been fully paid off, *e.g.*, Jamaica, Dominica, St. Lucia. But it may deserve consideration whether the returns are necessary when the provisions for the liquidation of these loans are being regularly carried out.

Returns of Revenue, Expenditure, and Debt, not to be sent (a) in the case of Colonies that have received isolated grants which are not to be repaid; nor (b) in cases in which the grants represent the Imperial interest in some public work, *e.g.*, Bermuda 1873-74, and Malta 1871-72, and are not to be regarded as a Contribution in Aid of Revenue; nor (c) for the reasons explained in the Colonial Office letter of 1st January, in the case of the Leeward Islands.

The instructions to the Auditor General, referred to in the Treasury letter of 1st January, not to apply to the accounts of past years, in which there may have been a failure to send estimates or returns to the Treasury.

The Treasury to the Colonial Office.

Sir,

Treasury Chambers, 11 April 1879.

I AM directed by the Lords Commissioners of Her Majesty's Treasury to state, for the information of Sir M. Hicks Beach, that they have had before them your letters of the 1st January and 26th February 1879, in reply to the letter from this Department of the 25th September last, which forms part of a general Treasury Minute on the Reports of the Public Accounts Committee, 1878.

The Secretary of State will recollect that the object of the letter from this Department was to point out and enforce the connection between Imperial Audit of Colonial Accounts and Treasury control over Colonial expenditure; the one being, in fact, the complement of the other. In so doing it became necessary (a) to recall the arrangements made, at the instance of the Colonial Office, in 1870, for submitting to the Treasury the Estimates of Colonies in receipt of Grants in Aid, and for furnishing the Treasury with Returns of the Income, Expenditure, and Debt of certain Colonies; (b) to show that those arrangements had been very imperfectly carried out; and (c) to invite the Secretary of State to suggest any alterations in them that would make their observance easier in future.

In illustration of my Lords' remarks, three tables were appended to the letter, showing:—

1. The Colonies described in the Estimates and Appropriation Accounts as receiving Grants in Aid.
2. The Colonial Estimates that had been actually sent to the Treasury by the Colonial Office in accordance with the agreement in 1870.
3. The Colonial Returns sent in like manner.

It was requisite that the first of these tables should extend over the whole field of so-called grants in aid, because of the wide terms of the agreement of 1870, as set forth in the Treasury letter of 28th April 1870 and the Colonial Office reply of 3rd June 1870, from which the following passages are quoted:—

"My Lords understand that the same course will be followed as hitherto with regard to Colonies receiving grants in aid, or which are likely to become in any way chargeable to Imperial funds, viz., that the annual Estimates and all fresh appointments or alteration of salaries, &c., will be submitted to this Board for approval previous to their receiving the sanction of the Secretary of State, and that my Lords will be furnished with the usual Returns of Receipt and Expenditure."

The Colonial Office undertook, in reply,

"To continue to refer to their Lordships the annual Estimates and all increases of offices or salaries in case of Colonies receiving grants in aid, and to continue this practice for two years after any such grant in aid.

Appendix.

aid shall have ceased. Under this arrangement their Lordships will not only receive the Estimates, &c., for the Gambia, Falkland Islands, and Heligoland, for which grants in aid are still made, but will also receive, for the present, those for the Gold Coast, Lagos, and Labuan, in respect of which the grants have been discontinued.

"I am to add, that Lord Granville doubts whether it would be practicable to lay down the same rule in regard to Colonies which might be supposed 'likely to become in any way chargeable to Imperial funds, not having already been so.'"

Besides the Colonies mentioned in the foregoing extract, the Colonial Office continued to send the Estimates of St. Helena, the grants to that Colony being included amongst grants in aid, although, since 1868, they have been appropriated by the terms of the Vote to specific purposes, and have been occasional only.

Table I. was accordingly compiled, not for the purpose of showing what my Lords held to be a grant in aid within the purview of the Agreement of 1870, but in order to show what sums had been, as a fact, voted by Parliament and accounted for to the Audit Office, under the designation of "Grants in Aid of Local Revenues" of Colonies.

In view, however, of the want of precision in the Agreement of 1870, as to what Colonial Estimates were to be submitted to the Treasury, and in order to establish harmony of action between the Treasury and the Audit Office in regard to such Estimates, my Lords were careful, in the concluding part of their letter of 25th September last, to propose that only any Crown Colony receiving an Imperial grant in aid of its general expenditure should submit its Estimates to the Treasury, through the Colonial Office, and that the period for which this obligation is to endure should coincide with the period for which the Accounts of the Colony are subject to Imperial Audit, viz., for three years after the cessation, or last occurrence, of the grant in aid.

My Lords, moreover, communicated their letter to the Comptroller and Auditor General, in order that he might learn the nature of the agreement of 1870, and co-operate in effectually carrying it out.

Their Lordships have been particular in describing the Treasury letter of September, in order that the Secretary of State may understand their meaning in the following observations which they have to offer upon your replies of January and February last.

In your letter of the 1st January you express the "regret" of the Secretary of State "that the understanding of 1870 has not been observed with perfect regularity," and state "that he is prepared to take steps for ensuring its regular observance in future."

The Secretary of State acknowledges that "there has been an undoubted failure to transmit regularly to the Treasury the Returns of Revenue, Expenditure, and Debt" from Colonies receiving specific grants or loans, but he considers that, as regards all the Colonies receiving grants in aid, mentioned in Table I., the agreement to submit their Estimates to the Treasury has been duly observed, except in the following cases:—

1. Gold Coast and Fiji.
2. Cases in which fulfilment of the Agreement was impracticable.
3. Cases which did not fall within the scope of the Agreement.

This position is supported by remarks upon each Colony, many of which quite accord with the views of my Lords, and in no way clash with any statement in the Treasury Letter of 25th September; some of the others, however, require further comment.

In your letter of 26th February, you say that my Lords "will have gathered from your previous letter" that Sir Michael is not prepared to accept as accurate the statement contained in the Treasury letter of 25th September. But the only distinct charges of inaccuracy that my Lords can gather from either of your letters relate to the omission from Table II. of the Estimates of Labuan for 1870 and the Estimates of St. Helena for 1876.

The Estimates of Labuan for 1870 were sent to the Treasury on the 6th January 1870, i.e., five months before the Agreement of 1870 was made, and no Labuan Estimates have ever been submitted since, although, under a possible misapprehension, the Colonial Office Letter of 3rd June 1870 promised that they would be. These facts sufficiently account for Labuan making no appearance in Table II. Nevertheless, looking to the words of the heading of that table, my Lords admit that it might have been more correct to have included the estimates in question.

As regards the St. Helena Estimates for 1876, my Lords have again caused search to be made in this Department, but without finding any trace of the submission of these estimates. They would be glad to know the dates on which they were sent to, and sanctioned by, the Treasury.

Further, my Lords may point out to the Secretary of State the following facts:—

1. Between 8th February 1875 and 6th September 1877, a period of about two years and seven months, no Colonial Estimates whatever were received by the Treasury.
2. Between 19th August 1874 and 6th June 1878, a period of not very much less than four years, the Estimates of one colony only, viz., the Falkland Islands, were received by the Treasury for sanction.

3. Within

3. Within the second period mentioned, the Estimates of the following Colonies, for one year or more, ought to have been sent to the Treasury (under the most limited interpretation of the Agreement that can be reconciled with actual practice) but were not sent, viz. :—

Sierra Leone.
Gold Coast.
Lagos.
Gambia.

St. Helena.
Heligoland,
Fiji.

As regards the Gold Coast and Fiji, your letter offers no explanation. With regard to Lagos you urge that the grant in aid was a loan to be repaid, but this is equally true of the grants to Fiji and of the grant to St. Helena in 1871-72.

With respect to Heligoland, you state that my Lords "have had before them the fact that no estimates are received from that Colony." My Lords, would, however, point out that this is just the fact of which they have been complaining. Heligoland is one of those Colonies in which laws may be made by the Governor alone, and which is under the absolute control of the Home Government, and yet, in spite of the promise made in 1870, and of remonstrances from this Board, the Colonial Office has never succeeded in obtaining its estimates.

As regards the Gambia, you state, in effect, that the Estimates were disposed of by the Colonial Office, and as regards Sierra Leone, that they were not disposed of at all; but it will be admitted that in both cases the Agreement with this Board was not carried out.

My Lords have, perhaps, now said enough in justification of their letter of the 25th September, and may turn to the proposals for the future, contained in the Memorandum enclosed in your letter of the 26th February.

1. *Estimates to be submitted to the Treasury, and Accounts to be rendered to Audit Office.*

Where a Colony, whose annual Estimates are subject to the control of the Home Government, receives an Imperial Grant in aid of its general expenditure, my Lords think that the Estimates of that Colony should be submitted to the Treasury, for the year in which the Grant is made, and for three years after the occurrence of the Grant, or after its cessation, supposing the Grant to have been annually recurrent. During the same period the Accounts of the Colony will be subject to Imperial Audit.

By a Grant in aid of General Expenditure, my Lords understand either a Grant to cover a net excess of estimated expenditure over estimated revenue, or made, in general terms, "in aid of the Local Revenue;" or a grant which, although appropriated wholly or partially in the Estimates to specific services, such as the Redemption of Debt, Public Works, Arrears of Salaries, and the like, is none the less made upon a comparison of Revenue and Expenditure, as a means of discharging liabilities which properly belong altogether to the Colony, and is, therefore, in effect, a grant to make good a deficiency of revenue. This interpretation agrees with the fact that the Colonial Office submitted the St. Helena Estimates notwithstanding a specific appropriation of the occasional Grants in aid of that Colony.

Further, my Lords are of opinion that the fact of a Grant in aid being made for one year only ought not to exempt the Estimates of a Colony from submission to the Treasury. According to the Agreement of 1870, as shown by the extracts from Colonial Office and Treasury letters before quoted, the Estimates of Colonies "likely to become chargeable on Imperial Revenue," and which have "already been so," are to be sent to the Treasury. If a Colony requires a Grant in aid in one year, there is some likelihood of its requiring another before long, unless its Estimates are carefully supervised. The Secretary of State is familiar with the cases of St. Helena and some of the West African Colonies which have put in claims for Grants in aid every two or three years. In such cases, therefore, my Lords think the Estimates should not be sent to this Board until three years after the occurrence of the last Grant in aid.

Where a Grant in aid is made, free of interest, but with a more or less explicit condition of repayment whenever the circumstances of the Colony will permit, my Lords think this peculiarity is an additional reason for sending the Estimates to the Treasury, because, besides the duty of guarding against a recurrence of the Grant in aid, there is the obligation of securing the claim of the Exchequer. Whilst touching on this point, my Lords would express their satisfaction at Sierra Leone being included in the Colonial Office Memorandum amongst Colonies which are bound to repay their Grants in aid if possible. They will take care to cause it to be inserted as a Debtor for 38,000 £., in the last page of the forthcoming Finance Accounts for 1878-79. When this Grant was obtained in 1876-77, the Secretary of State, instead of holding out hopes of repayment, was in fear that it would prove the first of a series of such Grants.

There are, however, certain Grants to Colonies which my Lords do not hold to be Grants in aid in such a sense as to make it necessary that the Estimates of the Colonies receiving them should be submitted to the Treasury, or that their Accounts should be subjected to Imperial audit, viz., where Her Majesty's Government decides that a public work in a Colony is carried out partly for the benefit of that Colony and partly for Imperial objects, e.g., for the use of the Army or Navy, and a portion of the cost is accordingly borne on Votes of Parliament; where, for political reasons, it is thought desirable to render the Governor of a Colony independent of local resources by voting his salary, and

Appendix.

perhaps that of his Secretary; or to promote the federation of several Colonies by voting the cost of a steamer; or where, for reasons of a jointly political and commercial character it is considered advisable to assist a Colony in maintaining a Mail Packet Service which exceeds the actual requirements of the Imperial Post Office.

Moreover, looking to those Colonies which have hitherto been the most frequent recipients of Grants in aid, my Lords see a good prospect of removing all of them speedily from the class of estimate-submitting and account-rendering Colonies. After the year 1879-80, the Falkland Islands Grant will be restricted to the Governor's salary: a like arrangement should probably be made for Heligoland; and unless St. Helena sees her way to be entirely self-supporting, any further help that may be extended to that Colony should take a similar shape.

The West African Colonies do not seem very likely to need further Grants in aid, and my Lords hope there will be no recurrence of the Grants for Fiji and Transvaal.

Should these anticipations be realised, at the expiration of three years from 1879-80, neither Treasury nor Audit Office need be troubled with Colonial Estimates or Accounts.

2. *Annual Returns of Revenue, Expenditure, and Debts of Colonies to be Furnished to the Treasury.*

These should be sent to the Treasury, in respect of—

- (1.) All Colonies whose estimates are submitted to the Treasury.
- (2.) All Colonies which are indebted to the Exchequer for Votes on condition of repayment free of interest, or for loans at interest.
- (3.) All Colonies which receive annually recurrent grants for salaries of Governors or other officers, or for the maintenance of a steamer, or as mail subsidies other than are requisite for Imperial Post Office purposes. In reference to grants of this nature the Colonial Office Memorandum mentions the West Coast of Africa (steamer) as an example of a specific grant, the receipt of which will entail the obligation of sending Returns to the Treasury. But I am to remind you that in your letter of the 1st January, the West Coast of Africa is stated to be "merely a geographical expression." My Lords presume that in the present connection the Colonial Office identify it with the Colony of Sierra Leone.
- (4.) All Colonies which have raised loans under Imperial guarantee.

In the case of such of the above-described Colonies as possess responsible governments it is no doubt out of the power of the Secretary of State to insist on special Returns being made to the Treasury; but in cases of that kind, ample Returns are published by the Colonial Governments, and all that my Lords would ask is that copies of those Returns which give the requisite information may be furnished to them.

Their Lordships would observe that in the Returns actually received there is a great diversity of form, and that some of them are not in accord with the fundamental principles of financial classification: borrowed money is mixed up with proceeds of taxation in the Accounts of Income, and repayments of public debt with current cost of establishments, in the Accounts of Expenditure, besides other solecisms too ludicrous to mention. It would be well to fix a general form for use by all Colonies, for which such can be prescribed by the Home Government.

3. *Date when Instructions to Audit Office are to take Effect.*

The only remaining question is the date from which the Audit Office should give effect to the instructions of this Board, that proof of Treasury sanction to the Colonial Estimates or to any deviation from them should be required before the accounts of a Colony are passed. My Lords are of opinion that these instructions should be applied to all Colonial accounts for the year 1878, and future years, that are sent to the Audit Office for examination. If circumstances render it necessary to make any special exception the case should be brought before this Board for consideration.

My Lords may record here, that by a letter of 10th January last, they agreed that the Comptroller and Auditor General should look to the Colonial Office for production of proof of Treasury sanction to the Estimates, instead of his being informed of the fact by the Treasury, as proposed in the letter from this Department of 25th September.

I am to add that my Lords have arranged for the presentation to the Committee of Public Accounts, 1879, of this correspondence, together with their general Minute on the Reports of last year.

The Under Secretary of State,
Colonial Office.

I am, &c.
(signed) Henry Selwin-Ibbetson.

FIRST
REPORT
FROM THE
COMMITTEE
OF
PUBLIC ACCOUNTS;
TOGETHER WITH THE
PROCEEDINGS OF THE COMMITTEE,
MINUTES OF EVIDENCE,
AND APPENDIX.

*Ordered by The House of Commons, to be Printed,
12 March 1879.*

[*Price 8 d.*]

96.

Under 6 oz.

S E C O N D

R E P O R T

FROM THE

COMMITTEE

OF

P U B L I C A C C O U N T S ;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, to be Printed,
14 May 1879.

COMMITTEE OF PUBLIC ACCOUNTS.

Members nominated,—[*Tuesday, 18th February 1879*]:—

Sir Walter Barttelot.	Mr. Cubitt.
Lord Frederick Cavendish.	Mr. Goldney.

Other Members nominated,—[*Tuesday, 25th February 1879*]:—

Mr. Hankey.	Mr. O'Reilly.
Sir Henry Holland.	Mr. Seely.
Sir John Lubbock.	Sir Henry Selwin Ibbetson.
Sir Charles Mills.	

Ordered,—[*Wednesday, 12th March 1879*]:—THAT the Committee have power to report their Observations, together with the Minutes of Evidence taken before them, from time to time, to the House.

Ordered,—[*Monday, 31st March 1879*]:—THAT Mr. Shaw be added to the Committee.

REPORT	- - - - -	p. iii
PROCEEDINGS OF THE COMMITTEE	- - - - -	p. xix
MINUTES OF EVIDENCE	- - - - -	p. 1
APPENDIX	- - - - -	p. 41

S E C O N D R E P O R T.

THE COMMITTEE of PUBLIC ACCOUNTS have made Progress in the Matters to them referred, and have agreed to the following SECOND REPORT:—

CIVIL SERVICES.

CLASS I.

VOTE 12.—SURVEYS OF THE UNITED KINGDOM.

1. THE Balance outstanding on account of maps for the Landed Estates Q. 9-12. Court, Ireland, has been reduced from 17,475 *l.* 15 *s.* 9 *d.*, at which it stood when the Comptroller and Auditor General called attention to the subject in his Report upon this Account for the year 1875-76, to 11,504 *l.* 11 *s.* 9 *d.* A rule was issued on 14th March 1878, under the Supreme Court of Judicature (Ireland) Act, 1877, which, in certain cases, requires prepayment before the delivery of the maps, and the further extension of this rule is now under the consideration of the Land Judges and the Treasury.

VOTE 21.—PUBLIC BUILDINGS, IRELAND.

2. The excess of 37 *l.* 12 *s.* 2 *d.* beyond the statutable limit of expenditure Q. 21-22. upon Spiddle Pier was incurred some years ago; and as the amount is small, and the violation of the law is of a nominal character, your Committee do not consider that it requires further notice upon their part.

VOTE 23.—BRITISH EMBASSY HOUSES AND CONSULAR AND LEGATION BUILDINGS.

3. The extra receipts include contributions by the Indian Government in aid Q. 23-25. of rents in China for the years 1872-73 to 1875-76. Your Committee consider that the long delay in the settlement of these Accounts is to be deprecated.

CLASS II.

VOTE 5.—FOREIGN OFFICE.

4. No steps have yet been taken to bring the post of Assistant Under Secretary within the scope of the 4th section of the Superannuation Act of 1859, Q. 30-35. or of the terms of the Order in Council of the 4th June 1870, although the Q. 448-449. attention of the Foreign Office was directed to the question by the Exchequer Q. 683-684. and Audit Department as long ago as the 5th April 1877. The question is still under the consideration of the Secretary of State, who is in communication with the Treasury upon the subject.

VOTE 6.—COLONIAL OFFICE.

Q. 43-41.
Q. 450.
Q. 685.

5. Similar remarks apply to the positions of the Assistant Under Secretaries of this office, which have been the subject of correspondence since November 1876. Your Committee consider that the question raised by Votes 5 and 6 should be settled with as little delay as possible.

VOTE 8.—BOARD OF TRADE.

Q. 49-50.
Q. 459-460.
Appendix.

6. The question of the legality of the payment of the salaries of the Examiners of Masters and Mates out of this Vote was referred to the Law Officers of the Crown, who have given an opinion stating that the course which has been pursued is within the powers of the Board of Trade.

Q. 52-54.

7. The Treasury has decided upon the proposition of the Board of Trade, that the salaried Procurators Fiscal in Scotland shall only (with certain exceptions) be employed in cases in connection with the Merchant Shipping Act, 1854, under the direction of the Lord Advocate; and that services so performed shall be undertaken by them *ex officio*, without extra remuneration, except in special cases, when the Procurators Fiscal will be employed by the Board of Trade directly.

Q. 55-58.

8. Your Committee agree with the Comptroller and Auditor General that an explanatory note should have been appended to the Account, with reference to the payment of 33*l.* 15*s.* 1*d.*, mentioned in the 3rd paragraph of his Report.

VOTE 25.—STATIONERY AND PRINTING.

Q. 63-64.

9. Your Committee consider that it would be a useful addition to the Report of the Comptroller and Auditor General if he were to state the value of the Stock in store at the beginning of the year as well as at its close, so that the cost of the actual service of the year might be ascertained without reference to the Account of the preceding year. As the value of the Stock in store has diminished from the sum of 136,238*l.* 14*s.* 9*d.*, at which it stood on the 31st March 1877, to 128,305*l.* 13*s.* on the 31st March 1878, it would appear that the real cost of the service of the year exceeded the charge against the Vote by 7,933*l.* 1*s.* 9*d.*

CLASS IV.

VOTE 1.—PUBLIC EDUCATION, ENGLAND AND WALES.

Q. 96-146.
Q. 154.

10. The Comptroller and Auditor General states in his Report upon this Account that the Elementary Education Act of 1870 appears to him to require that the action of the Education Department should be governed by a strict adherence to the minutes which have been submitted to Parliament; but that nevertheless it is apparent, from the more detailed examination which this Account has for the first time undergone as regards the provisions of the Code, that the Department exercises a considerable discretionary authority by the interpretation which it places on some of the minutes, and by its omission to enforce all the requirements of others.

11. The Secretary of the Education Department stated in his evidence that it is absolutely necessary for the Department to have such discretionary authority; and held that such authority was given to the Department by the words of the Code, "before any grant is made to a school the Department must be satisfied" that certain conditions are fulfilled. (Article 17 a.) When these conditions relate to questions of fact which are within the knowledge of the Department, those words would not, in the opinion of your Committee, leave

leave to the Department the discretion which it has been accustomed to exercise, and which is stated to be necessary. Your Committee do not question the manner in which this discretion has been exercised, but they consider that the wording of the Code should be carefully revised, if it is necessary that the Department should continue to have discretionary authority. This consideration also applies to the supplementary rules which are attached to and have the same force as articles of the Code.

12. Section 14.—The method of accounting suggested by the Comptroller and Auditor General with respect to over-payments, is the strictly correct one, and is in accordance with the general rule throughout the Civil Services; but your Committee are unable to say whether it could be applied in the present instance without an undue amount of labour. Q. 147-153.

VOTE 2.—SCIENCE AND ART DEPARTMENT.

13. Section 1.—The Comptroller and Auditor General objects to the annual increment paid to an officer from 29th October 1877, of whose appointment as a permanent inspector, previous to 1st May 1877, no evidence had been given. It appears that the officer in question was appointed from 29th October 1876, and that he performed the duties of inspector from that date; but that he was paid by the War Office, having been employed by that Office up to the 1st May 1877. The objections of the Comptroller and Auditor General to the payment have been removed by the adoption of the suggestion of the Treasury, that the sum which had been paid to him by the War Office should be repaid by the Science and Art Department. Q. 175-176.

14. Section 2.—The Comptroller and Auditor General states in his Report that numerous payments are included in the Account for Fees paid to Professors which do not appear to have been sanctioned by the Treasury. The Accounting Officer informed your Committee that he believed that the subject would shortly be investigated by a Treasury Committee. Your Committee were, however, informed by the Financial Officer of the Treasury that this was a misapprehension, and that the Treasury did not contemplate the appointment of such a Committee. There should, therefore, be no further delay in submitting the question of these payments for the approval of the Treasury. Q. 177-184.
Q. 452.
Q. 686.

15. Section 3.—The payment of 100 *l.* for the insurance of certain buildings, the property of Her Majesty's Commissioners of the Exhibition of 1851, has received the sanction of the Treasury; but your Committee concur with the Comptroller and Auditor General in the opinion which he expresses that the charge would more properly have appeared under Vote 11, Class 1, Science and Art Department Buildings. Q. 185-189.

16. Section 4.—It was explained to your Committee that the articles upon the collection and removal of which an expenditure of 38 *l.* 15 *s.* 6 *d.* was incurred, were obtained for the South Kensington Museum, although temporarily placed in the Bethnal Green Museum; and that, consequently, the charge is rightly placed under Sub-Head E., Services Common to the several Divisions, and not under Sub-Head F., Branch Museum, Bethnal Green, as suggested by the Comptroller and Auditor General. Q. 190-193.

17. Section 10.—In his Report on this Account, as well as on many others, the Comptroller and Auditor General calls attention to the imperfect manner in which the instructions of the Treasury have been carried out with respect to the appending of notes of all extra remuneration paid to salaried officers. Your Committee consider it worthy of consideration whether, in case of repeated failure to comply with those instructions, the amount of such extra remuneration should not be disallowed from the Account of the Accounting Officer who has neglected to act in accordance with them. Q. 205-215.
Q. 3-5.
Q. 59-60.
Q. 65-66.

18. For the reasons stated above, the net surplus to be surrendered is 197 *l.* 5 *s.* 11 *d.*

VOTE 10.—PUBLIC EDUCATION, SCOTLAND.

Q. 155-168.

19. Your Committee consider that the information asked for by the Comptroller and Auditor General with respect to the "Special Grounds" on which certain teachers were recognised as clerks or treasurers to School Boards, was necessary to enable him to certify that payments made to these officers were correct. They regret, therefore, that this information was refused to him by the Department, apparently from a misapprehension of the scope of the inquiry.

VOTE 16.—NATIONAL GALLERY OF IRELAND.

Q. 229-247.

20. The Comptroller and Auditor General calls attention in his Report upon this Account to the system which has been adopted by the Accounting Officer, with the sanction of the Treasury, of spreading the payments for purchases of pictures over more than one year's Vote, without the cognizance of Parliament, and points out the serious consequences which would ensue if the system were recognised as applicable to the expenditure of public money generally. Your Committee entirely concur in this view; but it was explained to them that the special circumstances of the case render some relaxation of the general rule expedient in the present instance. They think, however, that in addition to the checks prescribed in the Treasury Letter of the 8th July 1878, the Accounting Officer should be required to append a note to the Appropriation Account, stating the particulars of any liability which has been incurred beyond the Grant.

CLASS V.

VOTE 1.—DIPLOMATIC SERVICES.

Q. 270-278.

Q. 453.

Q. 687.

21. The Treasury has decided in accordance with the opinion of the Comptroller and Auditor General that the pay, &c. of Sir Arnold Kemball should be charged to Army Votes.

Q. 269.

22. For the reasons stated by the Comptroller and Auditor General, in paragraphs 5 and 6, the net surplus to be surrendered is 3,354 *l.* 12 *s.* 5 *d.*, instead of 1,987 *l.* 16 *s.* 5 *d.*, as shown by the Account.

VOTE 2.—CONSULAR SERVICES.

Q. 288.

23. It has been decided that for the future the maintenance of all British cemeteries abroad should be charged to the Vote taken by the Office of Works.

Q. 289-290.

24. Your Committee approve of the decision arrived at by the Treasury, that rents actually paid by the Board of Works should alone be provided for in Class I., and that allowances given in lieu of rents should be provided for under a suitable Sub-Head of this Vote, as in accordance with the general rule that all expenditure should, as far as possible, be charged to the Vote of the Department which administers the service.

VOTE 3.—GRANTS-IN-AID OF EXPENDITURE IN CERTAIN COLONIES.

Q. 292-293.

25. Section 6.—Your Committee were informed that it had been found impossible to come to a satisfactory arrangement by correspondence with respect to the details of the Account of the Colony of Heligoland, to be sent to the Exchequer and Audit Department for examination, but that it was hoped that the whole matter would shortly be put upon a satisfactory footing after discussion with the Governor.

Q. 291.

26. In consequence of the observations of the Comptroller and Auditor General in his Report on this Account last year, with respect to the audit of the Accounts of Colonies receiving aid from Imperial Funds, the whole subject of

of the financial control of the Treasury over Colonial Accounts has been under the consideration of the Treasury and Colonial Office. Prior to 1870, the Treasury exercised financial control over all Crown Colonies. In that year an arrangement was agreed upon by the Treasury and Colonial Office, under which the control of the Treasury over the annual Estimates was limited to those Colonies which received Grants-in-Aid of Revenue; and in the case of Colonies that either owed money to the Home Government or received aid in the shape of a guarantee to a loan, or of salaries to Governors, or other specific grants, that control was limited to their being furnished with the returns of Revenue, Expenditure, and Debt. In the same year it was decided that the Accounts of the Crown Colonies receiving Grants-in-Aid should be audited by the Comptroller and Auditor General. It is clear, from the correspondence which is printed in the Appendix, that these arrangements have been very imperfectly carried out. It may be hoped, however, that the clear instructions laid down in the Treasury letter of 11th April 1879, will ensure greater regularity for the future. Appendix.

27. Your Committee observe with satisfaction that the suggestion of the Comptroller and Auditor General, in his letter of 11th December 1877, as to the adoption of an improved and uniform form of return, is approved by the Treasury, and is being carried out.

VOTE 5.—SUPPRESSION OF THE SLAVE TRADE.

28. The sum of 973 *l.* 17 *s.* 11 *d.*, referred to by the Comptroller and Auditor General in his Report, has been received from the India Office; and an equivalent amount has been surrendered out of the Grant for the year ended 31st March 1878. Q. 300-302.

CLASS VI.

VOTE 2.—MERCHANT SEAMEN'S FUND, PENSIONS, &c.

29. Your Committee were informed that the Board of Trade has undertaken to introduce a Bill to legalise the practice of receiving contributions of seamen entitling the contributors to pensions. Q. 303-307.

VOTE 3.—RELIEF OF DISTRESSED BRITISH SEAMEN ABROAD.

30. The Comptroller and Auditor General pointed out in his Report on this Vote for the year 1869-70, that the instructions of the Board of Trade to their officers in the Colonies on the subject of the wages of seamen discharged in British Possessions were apparently at variance with the Merchant Shipping Act of 1874; and the Committee of Public Accounts at that time were informed by the Permanent Secretary of the Board of Trade that the Act was imperfect in this respect, and that care would be taken to set it right in the new Merchant Shipping Bill. No steps have yet been taken with that object; and the Comptroller and Auditor General in his present Report adduces further reasons showing the desirability of an amendment of the law. The Board of Trade has been in communication with the India Office upon the subject; but it does not appear to be intended to legislate at present with respect to it. As the instructions of the Board of Trade to its officers in the Colonies are admittedly at variance with the law, your Committee are of opinion that the present state of things should not be continued longer than is absolutely necessary. Q. 308-315.

31. Sufficient vouchers for the payments referred to in the paragraphs 5 and 6 of the Report of the Comptroller and Auditor General have now been received. The net surplus to be surrendered will therefore be 1,394 *l.* 7 *s.* 8 *d.*, as shown in the Account. Q. 319-320.

PARIS INTERNATIONAL MARITIME EXHIBITION, 1875-76.

32. Vouchers have now been received by the Exchequer and Audit Department for the sum of 77 *l.* 3 *s.* 10 *d.*, which is stated in the Report of the Comptroller and Auditor General to be still due upon this Account. Q. 321.

CHARGES CONNECTED WITH BUILDINGS.

Q. 26-27.
Q. 67-69.
Q. 216-227.
Q. 261-268.
Q. 451.
Appendix.

33. During their examination of these Accounts the attention of your Committee has been repeatedly called by the observations of the Comptroller and Auditor General to the absence of uniformity in the mode of charging the expenditure incurred in connexion with buildings. The greater portion of this expenditure is estimated for in England and Scotland by the Office of Works and Public Buildings, and in Ireland by the Office of Public Works, and is charged against Votes accounted for by those Departments; but in some cases a portion of the expenditure is provided for in and charged to the Vote for the service in connection with which it is incurred. The Financial Officer of the Treasury handed in a Memorandum (printed in the Appendix), which explains the circumstances under which the Treasury has allowed the charges to be provided for in this manner. The subject is still under the consideration of the Treasury.

34. Your Committee agree with the view of the Treasury that, whilst due weight should be allowed to the argument for uniformity, it is of still greater importance that a service should be administered by the Department which can do so with the greatest economy and convenience, and that the Department which administers a service should also estimate and account for its cost.

Q. 227.

35. Your Committee deem it of great importance that the total cost in connection with the services of any Department should be readily ascertained from the Appropriation Accounts. They have, therefore, heard with satisfaction from the Assistant Comptroller and Auditor that the Exchequer and Audit Department has been considering the practicability of effecting this object, and whether it would not be possible for that Department, with perhaps some slight modifications of the Accounts, to put together the expenditure charged under different Votes, so as to show the entire cost of each service.

36. Your Committee would also suggest that whenever Supplementary Votes have been obtained, either for the Civil Services or the Army, the amount of such Supplementary Grants should be specified in the Appropriation Accounts under the proper heads, as has been the practice in the Navy Appropriation Account.

REVENUE DEPARTMENTS.

VOTE 3.—POST OFFICE.

37. The Comptroller and Auditor General calls attention to various subjects of importance which have been under consideration for a long period, and which had not been finally dealt with at the time when he made his Report.

Q. 330.

38. With regard to the first of these outstanding subjects (viz., the examination of the London District and Provincial Post Office Accounts as to Treasury authority), your Committee were informed that the Treasury, Postmaster General, and Comptroller and Auditor General were practically agreed as to an arrangement which is based on a scheme suggested by the Exchequer and Audit Department.

Q. 330-332.
Q. 455-458.
Appendix.

39. Your Committee concur in the opinion expressed by the Comptroller and Auditor General, in his letter of the 29th March 1879 to the Treasury, signifying his agreement with the conclusions arrived at by the Treasury, that the suggestions of the Exchequer and Audit Department of a simpler mode of remuneration of sub-postmasters and receivers are outweighed by the economical and administrative reasons adduced by the Postmaster General in favour of the present system.

Q. 333.
Q. 453-454.
Appendix.

40. The First Lord of the Treasury has, after conference with the Chancellor of the Exchequer and the Postmaster General, and having regard to the strong opinion expressed by the latter, decided that the rule which has been adopted as to the apportionment of rent of premises jointly occupied by postal and telegraph services, should not have retrospective force, but should apply only to new offices. The Comptroller and Auditor General, in his letter of the 31st March 1879 to the Treasury, expresses his regret at this decision, as making the Account of the Expenditure upon the Telegraph Service misleading. Your Committee do not regard the question as one of great importance, so long

long as it is clearly understood upon what principle the account of the Telegraph Vote is based. The principle now laid down, and which the postal authorities believe to have been accepted at the time of the acquisition of the telegraphs, is that in offices jointly occupied for the postal and telegraph services, prior to July 1877, additional expense caused by the introduction of the latter, should alone be charged against the Telegraph Vote, whereas the Comptroller and Auditor General considers that all payments should be charged in fair proportions against the Votes for the two services.

41. There is, however, the undoubted inconvenience attending the course which has been adopted, that there will be two principles in action with respect to these rents; one with regard to offices jointly occupied prior to July 1877, and another with regard to those so occupied since that date.

42. Your Committee were informed that the delay in dealing with the question of the excess of the cost of management of Government Annuities and Insurances over the amount received by the Postmaster General, was due to the fact that there were other questions of a difficult character affecting these Annuities, which require to be taken into consideration by the Treasury at the same time. It is hoped, however, by the Treasury, that they will be able to deal with the question very shortly. Q. 334-337.

43. As regards the last of these outstanding questions (viz., the employment of persons in Provincial Post Offices before they have received Civil Service Certificates), your Committee were informed that after the additional information which he had received as to the nature of the examination to which these persons were submitted, and as to the views of the Treasury, the Comptroller and Auditor General would no longer raise any objection to accepting the Order in Council of 4th June 1870 as covering the case. Q. 338-346

VOTE 4.—POST OFFICE PACKET SERVICE.

44. The Accounts for the years 1876-77 and 1877-78 have, owing to a difference of opinion between the Post Office and the Indian Post Office as to the construction of the accounts, not yet been transmitted to the India Office. This long delay is, in the opinion of your Committee, much to be deprecated. Q. 347.

45. The Post Office hopes in a short time to be in a position to decide whether it will be necessary to go to arbitration with the Royal Mail Steam Packet Company with reference to the Postmaster General's share of profits under the West India Mail Contract. The delay in settling this question has been brought under the notice of your Committee by the Comptroller and Auditor General in each of his Reports upon this Vote for the last three years. Q. 348-349.

POST OFFICE TELEGRAPH CAPITAL ACCOUNT.

46. Your Committee were informed that there was every reason to believe that this Account would be closed next year, and that the balance of the loan in hand would more than satisfy all outstanding claims. Q. 757-758.

NAVY APPROPRIATION ACCOUNT.

47. Section 4. The Comptroller and Auditor General points out objections to the present system of charging to Vote 1, Sub-head A., "Wages, &c. to Seamen and Marines," debts due by marines embarking in Her Majesty's ships, and by seamen. The question has been the subject of a departmental inquiry by the Admiralty, and a proposal with respect to it has been submitted to the Treasury. Q. 351-354.

48. Section 6. Your Committee were informed that it is intended to appoint a Committee to consider the mode of estimating for the purchase of Torpedoes which was provided for in the year 1877-78, both in the Army and the Navy Estimates. If it is found desirable that these purchases should continue to be made by the two departments, an explanatory note should be appended to the Estimates, as has been done in the Estimates for the present year; and also to the Appropriation Accounts giving the total charge. Q. 356-361.

- Q. 362-367. 49. Section 8.—Your Committee consider that a payment of an unusual character, such as that which is the subject of this paragraph of the Report of the Comptroller and Auditor General, should receive the sanction of the Treasury before it is made.
- Q. 368-369. 50. Section 9.—The Comptroller and Auditor General calls attention to the importance of framing, with the utmost possible precision, the descriptive titles and explanations of the various Sub-heads of the Estimates. The force of his criticisms with respect to Sub-head F. of Vote 17, was admitted by the Accountant General of the Navy, who stated that this Vote for the present year had been altogether re-cast, in a way which it was hoped would obviate the objections of the Comptroller and Auditor General.
- Q. 370-376. 51. Section 10.—The arrangements under which the charge for the conveyance of troops by sea is borne by the Army or Navy Votes, according as the number conveyed is or is not over 50 men, will, as your Committee were informed, be reconsidered by the Admiralty. If this service continued to be provided for both out of Army and Navy Votes, explanatory notes should be appended to the Estimates and Appropriation Accounts.
- Q. 377. 52. Section 11.—In the Estimates for the present year, Vote 10, Section 2, has been recast so as to prevent the expense of repairs of engines being charged to two Sub-heads.
- Q. 378-380. 53. Section 14.—The Comptroller and Auditor General points out that the payment made in 1860 of 518 *l.* 1 *s.* 1 *d.* on behalf of the Colonial Office, is not a proper charge against Navy Votes. This payment has remained in the Admiralty books as a charge against the Colonial Office until last year. Owing, however, to the delay in its settlement, there were no funds out of which it could be met by the Colonial Office. Your Committee do not, consequently, disapprove of the decision of the Treasury that it should be left as a charge against Naval funds, with a full explanation in the Appropriation Accounts of the circumstances under which this course had become necessary.
- Q. 381-391. 54. Section 15.—It appears from the Report of the Comptroller and Auditor General that there is a diversity of practice on the part of the Admiralty with respect to expenditure on New Works in excess of the sum provided for the year in the Estimates. In some cases Treasury authority for such expenditure has been obtained, but in others it has not. The Accountant General of the Navy stated in his evidence that the Admiralty had held, that they were not bound to apply to the Treasury for sanction to excesses, unless the entire sum voted for a Sub-head was exceeded.
55. Your Committee, however, concur in the opinion of the Comptroller and Auditor General and of the Treasury, that the Treasury Minute of the 24th of November 1870, requires that in the case of "New Works, Improvement and Repairs," the sum provided for the year for each work should not be exceeded without the assent of the Treasury.
- Q. 392. 56. Section 16.—Your Committee were informed that it is the intention of the Admiralty to discontinue the practice which is called in question by the Comptroller and Auditor General in this paragraph of his Report.
- Q. 393-397. 57. Section 24.—The Comptroller and Auditor General notices the absence of a formal receipt from the Turkish Ambassador for the purchase-money of Her Majesty's ship "Superb." It was explained to your Committee that there were certain charges upon this vessel which had to be met before it could be purchased, and that the payment was not made to the Ambassador until he had given a delivery order to the persons in charge of the ship to hand her over to the Government on the payment of those charges. A receipt for the money so paid was obtained from the persons in charge of the vessel.
- Q. 398. 58. Section 26.—A statement by the Comptroller of the Navy with respect to the perishable and other stores not forming part of the ship purchased along with the Brazilian iron-clad ship "Independencia" (now Her Majesty's ship "Neptune") was furnished to your Committee, which gives the necessary information on the points referred to by the Comptroller and Auditor General.

59. Section 27.—It was stated to your Committee that the payment to Messrs. Gadban and Watson, referred to by the Comptroller and Auditor General, was part of the arrangement for the purchase of the Turkish iron-clad ship "Hamidie," now Her Majesty's ship "Superb"; and that possession of the vessel could not be obtained until the charge had been paid. It appears, therefore, that this sum could not have been deducted from the payment of the purchase-money made to His Excellency the Turkish Ambassador, as suggested by the Comptroller and Auditor General, and that it has been properly charged against the Vote. Q. 399-405.

60. Section 28.—Your Committee concur with the Comptroller and Auditor General in his opinion, that payments for a "Secret Service" should be met from the portion of the Secret Service Vote assigned to the Admiralty, as it is manifestly undesirable that that officer should be called upon to certify to the correctness of an Account without the means of satisfying himself as to the correctness of all sums charged against it. Q. 406-471.

61. Section 29.—The Comptroller and Auditor General called attention in the year 1877-78 to the large number of outstanding Admiralty claims upon public departments and private individuals. The reduction in the number of these outstanding claims is a satisfactory result of his action, and has shown the importance of an independent examination of the balance sheet.

62. Section 32.—The investigation of these claims has led to the reviewal by the Treasury of the modes of assisting charitable institutions by the Admiralty. Your Committee entirely concur in the opinion expressed in the Treasury Letter of the 9th March 1878, that the practice of assisting such societies by issues of Naval Stores on credit is objectionable, and that any public assistance which may be given to them should be in the shape of avowed and absolute donations.

63. Section 33, 34.—The Comptroller and Auditor General points out that losses arising from the abandonment of claims which do not give rise to subsequent charges against Naval Votes, but which fall wholly upon the Exchequer by diminishing the amount which would otherwise be paid in as Exchequer Extra Receipts, are not, so far as he is aware, in any manner brought to the notice of Parliament. The question is still the subject of correspondence between the Exchequer and Audit Department and the Admiralty, but your Committee were informed that there was no doubt that the object, in the desirability of which your Committee concur with the Comptroller and Auditor General, will be secured in the future Annual Appropriation Accounts. Q. 412. Q. 688. Q. 413-414.

64. Section 35.—It does not appear to your Committee that the sum of 224 l. 16 s. 11 d. advanced out of the Naval funds, under the circumstances mentioned in this paragraph, can be properly regarded as a charge against the Colonial Office. The proceedings which led to this payment, and which are described in the Admiralty Letter of the 12th June 1878 as altogether unwarrantable, however praiseworthy as to the motive, were taken by a Naval officer, and were sanctioned by the Senior Naval Officer on the Australian coast. If a Vote is taken for this sum in question, it should be applied for by the Admiralty, and in a manner which will clearly explain its object. Q. 415-421.

65. Sections 36, 37.—Your Committee were informed that the Account of the Naval Cadet Expenses in Training Ships, which is locally audited, will be inspected by an officer of the Accountant General's Department; and that any surplus balance will be surrendered to the Exchequer. The other balances referred to in this paragraph have all been under investigation; and it is hoped that they will all be cleared before the next Account is presented to Parliament. Q. 422-433.

ARMY APPROPRIATION ACCOUNT.

Q. 464-472.

66. This Account, together with the Report of the Comptroller and Auditor General, was not presented to Parliament until the 15th March, instead of on or before the 15th February, as required by Act of Parliament. No blame attaches to the Exchequer and Audit Department for this delay, but the importance of the presentation of the Account within the prescribed period is so great, that your Committee trust that it will be found practicable, with the co-operation of the War Office, to ensure it for the future.

Q. 473-474.

67. Section 2.—Your Committee are glad to learn that the necessary accommodation for the Staff of the Exchequer and Audit Department employed in the Test Audit has now been supplied.

Q. 475-477.

68. Section 3.—It was stated to your Committee that considerable progress is being made in the preparation of a complete set of regulations for Army Allowances.

Q. 479-490.

69. Section 5.—It appears from the evidence of the Accountant General of the Army, that the special nature of the service comprised under the heading "Intelligence Department," has in a great measure ceased; and that the limitation by the Treasury of the expenditure in connection with it, to a sum of 4,000 £., is practically at an end. If this is so, there would no longer be a necessity for placing the entire expenditure in connection with this service under a single and separate Sub-Head.

Q. 491-511.

70. Section 6.—Attention was called by the Comptroller and Auditor General in his Report on the Army Appropriation Account, 1876-77, to the fact that he had been unable to obtain the particulars of the regulations which governed the Contributions in Aid of Military Expenditure of various Colonies; and the Committee of Public Accounts, in their Second Report of last year, dealt at some length with that subject. Your Committee entirely concur in the opinion expressed in the Treasury Minute, 25th September 1878, upon that Report, that the whole subject required close investigation, and should be brought more directly under the jurisdiction of the Treasury, which is specially responsible to Parliament for the due collection of every branch of revenue. They have therefore learnt with satisfaction that the Secretary of State for War has expressed his readiness to fall in with the views of the Treasury; and that the Colonial Office is also in communication with the Treasury upon the subject. The information contained in the Report of the Comptroller and Auditor General with respect to these contributions confirms your Committee in their opinion that the entire subject should be dealt with without more delay than is necessary for its due consideration.

VOTE A.

Q. 512-513.

71. The Comptroller and Auditor General has not, up to the present time, reported on Vote A. (the Number of Men). Your Committee are of opinion that it is desirable Parliament should be informed by him whether or not that Vote has been exceeded.

Q. 514-523.

72. Section 9.—It was admitted by the Accountant General of the Army that the wording of the Royal Warrant of 1846, regulating the pay and allowances of the Regiments of Foot Guards, appears to justify the interpretation of the Comptroller and Auditor General that the allowances in lieu of the pay of non-effective men formerly borne upon the establishment, were more of the nature of a regimental than of a personal allowance; but it was stated by him that the earliest records of the history of the allowance point to its having always been paid to each captain individually. The whole subject of the various allowances paid to the several Regiments of Foot Guards, some of which are said to involve proprietary rights and other intricacies, is now under the consideration of the Secretary of State for War. Your Committee do not therefore consider it necessary at present to enter more fully into the questions raised by the Comptroller and Auditor General with respect to them.

Q. 524-59.

73. Section 10.—It is intended for the future to charge the maintenance of lunatic officers and men against the Non-effective Votes, instead of as at present against Vote IV. "Medical Establishment and Supplies." The objection pointed

out

out by the Comptroller and Auditor General in his Report to this proposal, would, it is believed, be obviated by providing for this charge under separate Sub-Heads, which should distinctly explain its character.

74. Section 11.—The Comptroller and Auditor General is satisfied as to the point raised by him with regard to the Lodging Allowances paid to officers of militia under canvas, who are also in receipt of a field allowance, inasmuch as it was shown that the Warrant of 26th April 1862, to which he referred in his Report, was cancelled by the Royal Warrant of 27th April 1868, which gives a discretion to the Secretary of State as to the concurrent issue of Field and Lodging Allowances. Q. 536-535.
Q. 689.

75. Section 12.—The Regulations as to Travelling Allowances to civilians have been revised, and for the future those Allowances will not fall under the provisions of the Royal Warrant of 20th March 1872. Q. 536-537.

76. Section 13.—For the reasons stated by the Deputy Director of Works and Fortifications in his evidence, it does not appear to your Committee that the Eastern Defences of Chatham fall under the provision of section 3 of the 32 & 33 Vict. c. 76, which, in the opinion of the Comptroller and Auditor General, specially provided that they should not be constructed without the sanction of Parliament; but your Committee consider that fuller information as to the course and extent of the proposed works should have been given in the Estimates than was provided by the heading, Chatham—Tools, Plant and Materials for Employment of Convicts on Defence Works, 30,000 *l*. Q. 538-559.
Q. 560-563.

77. Provision was made in the Fortifications (Provisions for Expenses) Acts for the purchase of the land required in connection with the proposed forts at Chatham, distinct from the provision made for the erection of the forts. When these forts were omitted from the Schedule of Works, the cost of which was to be defrayed from the loan for Defences, a Return was presented to Parliament showing that these lands had been purchased and their cost defrayed from the loan. Your Committee therefore consider that the sum so expended is rightly charged against the loan. Q. 564-572.
Q. 690.

78. Section 14.—The important question is raised in this paragraph of the Report of the Comptroller and Auditor General as to the proper interpretation of Section 4 of the Appropriation Acts, under which the Treasury has power to authorise expenditure unprovided for in Army and Navy Votes to be temporarily defrayed out of any surpluses which have been, or which may be, effected by the saving of expenditure upon other Votes. The Comptroller and Auditor General states that the spirit and intention of the section clearly contemplate a surplus caused by the saving and not by the postponement of expenditure; and a Memorandum by the Assistant Comptroller and Auditor (printed in the Appendix), more fully explains the view of the Exchequer and Audit Department. A Memorandum was also handed in by the Financial Officer of the Treasury, which gives a history of the section under consideration. Q. 573-579.
Q. 691.
Appendix.

79. The whole subject was fully investigated by the Public Accounts Committee in 1862, and was dealt with at length in their Second Report. On a full consideration of the many difficulties attending the question, that Committee recommended the practical continuance of the power of transfer from surpluses to meet deficiencies. This recommendation was, however, greatly limited by the stipulation that such transfers should be considered as temporary advances, and should require the subsequent sanction of the vote of Parliament. The 4th Section of the Appropriation Act, as at present drawn, is in accordance with this recommendation. In the Report of the Committee in 1862 there is no distinction drawn between surpluses derived from savings properly so called and from postponements, and your Committee see no reason to believe that such a distinction was intended. It is evident that cases may arise in which in the interest of economy it is desirable that unforeseen expenditure which cannot be deferred should be met by the postponement of expenditure of a less urgent character. They consider, however, that there is much force in the observations of the Memorandum which sets forth the views of the Exchequer and Audit Department as to the liability to abuse of the power of transfer, when exercised in the application of surpluses obtained by the postponement of works to meet unforeseen expenditure.

80. To guard against this liability, your Committee consider it essential, that whenever it is proposed to apply a surplus obtained by postponement of works in the manner mentioned above, the fact should be fully explained to the Treasury in the correspondence which is subsequently to be laid before Parliament. It is also essential that the sanction of the Treasury to such transfer should be applied for, not as a matter of form, when the accounts for the year are closed, but at the earliest moment after the necessity for incurring unforeseen expenditure is decided upon by the department.

81. Your Committee would also suggest that a change should be made in the form of the Resolution which is proposed in Committee of the House to sanction the application of surpluses to meet deficiencies. That Resolution only sets forth the total of the deficits and the total of the surpluses for the entire Service. If each of the Deficits and Surpluses upon the several Votes were stated in the Resolution, of which due notice should be given to the House the recommendation of the Committee of Public Accounts in 1862 (that the cases in which the power of transfer has been exercised should be brought before Parliament in a form which would require their attention and an expression of their opinion), would be more fully attained than at present. It is worthy also of consideration whether the correspondence between the Great Departments and the Treasury upon the temporary application of surpluses to meet deficits should be printed with the Appropriation Accounts in such a collected form as should admit of easy reference.

Q. 580-584.

82. The Comptroller and Auditor General points out that the expenditure on the Railway in Woolwich Dockyard was partly charged to the ordinary Votes and partly to the Vote of Credit for the Russo-Turkish War. It was explained to your Committee that it had been considered necessary, owing to the war, to finish the work more rapidly than had been intended when authority was obtained from the Treasury to expend upon it the sum of 3,000 £. in the year 1877-78; and that it consequently became a charge upon the Vote of Credit.

Q. 585-590.

83. Section 15.—Your Committee agree with the Comptroller and Auditor General that it is desirable that the amount of any claim which it is proposed to make upon Colonial Funds on account of Barrack Accommodation for Troops in Natal should be recorded in the War Office books.

Q. 591-595.

84. Section 16.—Owing to the nature of the service, it appears that the total amount of expenditure that would be incurred in connection with the Submarine Mining Establishments was not originally foreseen; and, consequently, the expenditure upon them was provided for under Part II. of the Works Vote, instead of under Part I., as it should have been.

Q. 595-598.

85. The expenditure at the Sub-Marine Mining Establishment at Shornmeade will be transferred to Part I. of the Works Vote in the Account for the year 1878-79, as suggested by the Comptroller and Accountant General.

Q. 599-604.

86. Section 17.—Your Committee concur in the opinion expressed by the Comptroller and Auditor General that the information supplied in the Estimate laid before Parliament with reference to the expenditure described in this paragraph was insufficient.

Q. 605-607.

87. Section 19.—The sanction of the Treasury, which the Comptroller and Auditor General points out, is required by the Treasury Minute of 24 November 1870, in every case in which the expenditure during the financial year is beyond the estimated cost of each work under Part. I. of the Works Vote, and which, through inadvertence, had not been obtained in certain instances, has been applied for by the War Office, but had not been received at the time when your Committee were taking evidence upon the subject.

Q. 608-610.

88. Section 20.—The Accountant General of the Army explained that permission was obtained from the Treasury in the year 1875, to extend the appropriation of the fund arising from fines for drunkenness, which had, up to that time, been appropriated in aid of the expenditure under Sub-head E. to that under Sub-head D.

Q. 613-620.

89. Section 22.—The Comptroller and Auditor General calls attention to the arrangement with the Indian Government, whereby it was agreed that from the

31st

31st March 1874, the pensions of men formerly in the service of the East India Company, which had up to that time been paid directly by the Indian Government, should be capitalized for the sum of 244,238 *l.* 17 *s.* 7 *d.*, and that henceforth the yearly charge should be borne by the War Office Votes. Your Committee entirely concur in the opinion which he expresses, that an important arrangement of this character, whereby the Miscellaneous Revenue of one year is largely swollen at the cost of an annual charge upon future Votes, ought to have been brought to the knowledge of Parliament.

90. The delay in the payment of the balance due by the Indian Government under the above-mentioned agreement, is stated to have been caused by difference of opinion between the War Office and India Office as to the payment of interest. The claim for interest has now been withdrawn, with the assent of the Treasury; and it is believed that the payment of the final balance will very shortly be made.

91. Sections 25 and 26.—The net surplus, as shown in the Account, is 134,945 *l.* 17 *s.* 9 *d.*; but that result is arrived at by taking in aid of the grants of the year the sum of 1,540,000 *l.* from the Vote of Credit (Additional Naval and Military Expenditure). It will be seen, however, on reference to the explanatory Paper, No. 12, p. 163, of the Army Appropriation Account, that the extra expenditure occasioned by the Russo-Turkish War, only amounted to 1,311,390 *l.* 13 *s.* 11 *d.* Your Committee are strongly of opinion that no larger sum should be taken from a Vote of Credit than can be shown to have been expended on the purposes for which that Vote was granted. If a Vote of Credit is considered applicable to meet deficiencies on ordinary Votes, the due control of Parliament over the expenditure would be at an end as soon as a Vote of Credit is granted. Your Committee are of opinion, therefore, that the Account should have shown a net deficit of 93,663 *l.* 8 *s.* 4 *d.* upon the ordinary grants; and that of the amount advanced (1,540,000 *l.*) out of the Vote of Credit, the unexpended balance to be surrendered should have been 228,609 *l.* 6 *s.* 1 *d.* instead of 134,945 *l.* 17 *s.* 9 *d.*

Q. 621-634.

92. Your Committee consider that when advances are made out of Votes of Credit in aid of the Grants for the Ordinary Services of the Army, the form of the Appropriation Account of the Navy should be adopted, and additional columns should be introduced into the Army Appropriation Account, in order to show the surpluses and deficits on Ordinary Grants, after deduction of the expenditure charged against the Vote of Credit.

93. It was explained to your Committee by the Accountant General of the Army, that in consequence of the Russo-Turkish War, the Appropriation in Aid of Vote 12 was diminished by 74,000 *l.*, which would otherwise have been received for stores issued to India; and that this sum might have been charged against the Vote of Credit, thus diminishing the Net Deficit upon the Ordinary Grants to less than 20,000 *l.* The sum was, however, not included in the Account rendered by the War Office of the Expenditure consequent upon the Russo-Turkish War, on page 163 of the Army Appropriation Account.

94. The Comptroller and Auditor General points out that under Vote 13 a charge of 47,386 *l.* for shields and armour plates, for the protection of forts erected out of Defence Loan Funds, has been made against the Vote of Credit. Provision had been originally made for this expenditure out of the Defence Loan Funds; but it was included in the Schedule, 32 & 33 Vict. c. 76, of Works with respect to which no further steps were to be taken without the authority of Parliament. It was stated to your Committee that this expenditure would, in the ordinary course, have been submitted to Parliament in the Army Estimates, and that they were only executed out of the Vote of Credit because it was a case of emergency, it having been considered necessary to place the dockyards in a state of immediate defence.

Q. 635-641.

95. Section 27.—The Comptroller and Auditor General has, in his letter to the Treasury of 17th July 1878, raised the important question of the extension of the Test Examination to the Manufacturing and Store Accounts of the Army. Your Committee concur in the opinion of the Treasury that, until the examination

Q. 642-647.

of the Appropriation Accounts of the Army and Navy has been made complete by the full application of the Test Audit, it would be unadvisable to enter upon the question of the extension of the duties of the Exchequer and Audit Department to the Audit of Stores.

WAR OFFICE (CHARGES DEFRAIDED ON ACCOUNT OF INDIA).

96. The Committee of Public Accounts last year deferred their consideration of this Account until they had received the Report of the Comptroller and Auditor General, on the manner in which the charges contained in the Account might be effected by the final adjustment of the Accounts in respect of Indian Home-charges on the terms laid down in the Treasury Minute, 2 July 1878, which had been accepted by the Secretaries of State for War and India.

Q. 692-695.

97. The Comptroller and Auditor General states in his Report that the deficit is in no way affected by the provisions of that Minute, and your Committee concur in his opinion that there is no longer any reason for deferring the Excess Vote for the deficit so shown, amounting to 15,050 *l.* 3 *s.* 3 *d.*

Q. 695-706.

98. The proposed settlement involves the surrender in favour of the Indian Government of a sum estimated by the Chancellor of the Exchequer at from 100,000 *l.* to 150,000 *l.* Your Committee do not consider that it is within their province to make any observations as to the desirability of making a pecuniary concession to India.

Q. 718-720.

99. They think it right, however, while expressing their satisfaction that a settlement has been arrived at with respect to these long unadjusted accounts, and whilst not disputing that the mode of arrangement finally adopted was perhaps the only practicable solution of what had, apparently, become an almost hopelessly involved problem, to observe that this settlement, in itself, cannot be considered satisfactory. It is founded on no principle; its basis being, that the sum paid into the Imperial Exchequer on account, should be taken in full discharge of the claims of the Imperial upon the Indian Government, in respect of all charges for Effective Services paid in England. It also involves the passing of an expenditure amounting to 685,050 *l.* 3 *s.* 3 *d.*, without any sufficient audit. Had this expenditure been finally charged against Army Votes, it would have been subjected to the ordinary Appropriation Examination by the Exchequer and Audit Department; if it had been decided that it was properly chargeable to India, it would have been examined by the Auditor to the India Office. But the only examination which these payments have received, was as to whether they were *prima facie* chargeable to India, and were not provided for in Army Votes.

Q. 725-729.

100. It is unnecessary for your Committee again to discuss the causes of the prolonged delay in the adjustment of these Accounts, from which have ensued these unsatisfactory results, as the Committee of Public Accounts in 1877 entered fully into that question in their Report. They hope that the Committee which has been appointed to determine the amount of the Capitation Rate to be paid by the India Office in respect of the charges for effective services incurred in England, will be able to perform the task committed to it in such a manner that there may be no occasion hereafter for delays in the adjustment of accounts.

Q. 732-736.

101. Your Committee were informed that the Treasury were not at present able to decide whether the balances on the "Indian Contingent Account," and "Indian Miscellaneous Account" placed to the debit of the Secretary of State for India in the War Office books, were within the purview of the authorities, when the settlement of last year was made. It would seem to be desirable that, if possible, all outstanding questions should be settled before Parliament is asked for an Excess Vote.

102. Your Committee agree with the Comptroller and Auditor General that the sanction of Parliament should be asked for, to the remission of the claim due by the Indian Government to the Imperial Exchequer, which would probably be most conveniently given in the form of a Resolution.

ARMY (INDIAN HOME CHARGES).

103. The question in dispute between the War Office and the India Office has related solely to the charge for Effective Services; but although there is no dispute as to the charge for Non-effective Services, there is an amount due by India for those Services of 93,000 *l.* for 1875-76, of 365,000 *l.* for 1876-77, of 330,000 *l.* for 1877-78, making a total of 788,000 *l.* These arrears are said to be in consequence of the charge upon India for the non-effective services having been abnormally heavy during these years; and an arrangement for spreading them over a course of years is under the consideration of the departments.

Q. 707-717.

104. These arrears do not appear in the Balance Sheet of the War Office, as the charge upon India for these services is paid into the Exchequer as extra receipts; and no record of them is laid before Parliament. Your Committee are of opinion that an account should be presented annually to Parliament, showing all arrears of payments due to the Exchequer as extra receipts.

CONSOLIDATED FUND ACCOUNT.

OTHER CHARGES ON THE CONSOLIDATED FUND.

105. Your Committee were informed that, at the request of the Treasury, application had been made by the Foreign Office to the French Government for the payment of a moiety of the balance of the sum due by the Ottoman Government on account of the issue from the Exchequer of the amount of interest, &c., due on the Imperial Ottoman Loan of 1855, on the 1st February 1878 and the 1st February 1879. Such moiety due from the French Government has since then been received and paid into the Exchequer.

Q. 659-666.

Q. 762.

Appendix.

COLONIAL DOCKS.

106. Your Committee were informed that an Account had been transmitted by the Treasury to the Comptroller and Auditor General of the advances on loan for Colonial Docks.

Q. 667.

WEST INDIA ISLANDS RELIEF COMMISSIONERS' ACCOUNTS.

107. A Bill has been introduced into Parliament for remitting a number of irrecoverable debts against the West India Islands, by which the West India Islands Relief Fund will be closed.

Q. 668.

LOAN FOR DRAINAGE OF LANDS ACCOUNTS.

108. The Treasury propose to enter into communication with the Commissioners of Inland Revenue, through whom the repayments in respect of loans for drainage of lands are made, to ascertain whether arrangements cannot be made for providing the Comptroller and Auditor General with the particulars which he desires as to these repayments.

Q. 668.

PUBLIC WORKS LOAN ACCOUNTS.

109. Copies of the Reports to the Treasury of the results of the examination by the Exchequer and Audit Department of the Public Works Loan Accounts for the years 1876-77 and 1877-78 are annexed to the Report of the Comptroller and Auditor General. Your Committee consider that it would add to the value of these Reports if they were to state the amount of the arrears upon the several loans.

Q. 670.

110. The Treasury has undertaken to consider whether some means cannot be proposed, whereby distinct Parliamentary authority should be given to all remissions of these loans.

Q. 671-678.

BALANCES OUTSTANDING ON ADVANCES BY WAY OF LOAN.

Q. 679-682.

111. Your Committee were informed that the whole of these outstanding balances are now under the consideration of the Treasury, and that Bills are now in draft for wiping out the whole of the debts which are really irrecoverable.

FORTIFICATIONS (DEFENCE LOANS, 1868-69) ACCOUNT.

Q. 737-743.

112. Your Committee were informed that this Account will be closed on the 31st March 1880, and that it is hoped that the sanction of the Treasury will be previously obtained to the payments of the excesses from savings effected on other items.

CIVIL CONTINGENCIES FUND ACCOUNT.

TREASURY CHEST ACCOUNT.

ARMY PURCHASE COMMISSION ACCOUNT.

MILITARY FORCES LOCALISATION ACCOUNT.

CHELSEA HOSPITAL ACCOUNT.

GREENWICH HOSPITAL CAPITAL AND INCOME ACCOUNT.

GREENWICH HOSPITAL AND SCHOOL ACCOUNT.

113. No observations arise upon these Accounts.

114. Your Committee defer all observations on the question relating to Exchequer Extra Receipts, which have been so long under consideration, as they are informed that the Treasury hope to be able to make during the present Session definite proposals with respect to that subject,

14 *May* 1879.

PROCEEDINGS OF THE COMMITTEE.

Wednesday, 12th March 1879.—continued.

MEMBERS PRESENT:

Lord FREDERICK CAVENDISH in the Chair.

Sir Walter Barttelot.	Mr. O'Reilly.
Mr. Hankey.	Sir Henry Holland.
Sir John Lubbock.	Mr. Seely.
Sir Henry Selwin Ibbetson.	

The Committee considered the Appropriation Accounts of the Revenue Departments and Post Office Packet and Telegraph Services and of the Navy.

Mr. *Reginald E. Welby*, Mr. *Charles L. Ryan*, Mr. *Stevenson A. Blackwood*, Mr. *Robert G. C. Hamilton*, and Mr. *Follett Pennell*, were examined.

[Adjourned till Wednesday, the 26th of March, at Two o'clock.]

Wednesday, 26th March 1879.

MEMBERS PRESENT:

Lord FREDERICK CAVENDISH in the Chair.

Mr. Hankey.	Mr. Goldney.
Sir Charles Mills.	Sir Henry Holland.
Sir Henry Selwin Ibbetson.	Mr. Seely.

The Committee considered the following Accounts; Chelsea Hospital; the postponed Votes, Class I., Vote 12; Class II., Votes 5 and 38; Class IV., Vote 2; and Class V., Vote 7, of the Civil Service Appropriation Accounts; the Army Appropriation Account, and the Consolidated Fund Account.

Major General *George Hutt*, Mr. *Reginald E. Welby*, Mr. *Charles L. Ryan*, Mr. *William H. White*, and Colonel *Charles Nugent*, were examined.

[Adjourned till Wednesday, 23rd April, at Two o'clock.]

Wednesday, 23rd April 1879.

MEMBERS PRESENT:

Lord FREDERICK CAVENDISH in the Chair.

Mr. Hankey.	Sir Henry Holland.
Sir Henry Selwin Ibbetson.	Mr. Seely.
Mr. Shaw.	Sir Walter Barttelot.

The Committee considered the following postponed Votes, viz., Class II., Vote 5; Class IV., Vote 2, and Class V., Vote 1, of the Civil Service Appropriation Accounts; and also paragraph 33 of the Report of the Comptroller and Auditor General on the Navy Appropriation Account, and paragraph 11 of the Report on the Army Appropriation Account.

The following Accounts were also considered, viz., War Office (Charges defrayed on account of India), Fortifications (Defences Loan), Military Forces Localisation, and the Post Office Telegraphs Capital Account.

Mr. *Reginald E. Welby*, Mr. *Charles L. Ryan*, Mr. *William H. White*, Mr. *William Minifie*, Colonel *Charles Nugent*, and Mr. *George Chetwynd*, were examined.

[Adjourned till Wednesday, 14th May, at Two o'clock.

Wednesday, 14th May 1879.

MEMBERS PRESENT:

Lord FREDERICK CAVENDISH in the Chair.

Mr. Hankey.
Sir Walter Barttelot.
Sir Charles Mills.
Sir Henry Selwin Ibbetson.
Sir Henry Holland.

Mr. Seely.
Mr. Goldney.
Mr Cubitt.
Sir John Lubbock.

DRAFT REPORT read the first and second time, and considered paragraph by paragraph.

Paragraphs 1—104 *agreed to*, with Amendments.

Paragraph 105 *postponed*.

Paragraphs 106—114 *agreed to*, with Amendments.

Postponed paragraph 105.

Mr. *Reginald E. Welby*, examined.

Paragraph amended, and *agreed to*.

Question, "That the Report, as amended, be the Second Report of the Committee to the House,"—put, and *agreed to*.

Ordered, To Report, together with the Minutes of Evidence, and an Appendix.

MINUTES OF EVIDENCE.

LIST OF WITNESSES.

Wednesday, 12th March 1879.

	PAGE
Mr. Reginald Earle Welby, C.B., and Mr. Charles Lister Ryan - - -	1
Mr. Stevenson A. Blackwood - - - - -	2
Mr. Robert George Crookshank Hamilton - - - - -	3
Mr. Follett Pennell - - - - -	9

Wednesday, 26th March 1879.

Major General Sir George Hutt, C.B. - - - - -	10
Mr. Reginald Earle Welby, C.B., and Mr. Charles Lister Ryan - - -	10
Mr. William H. White - - - - -	11
Colonel Charles Nugent, C.B. - - - - -	18

Wednesday, 23rd April 1879.

Mr. Reginald Earle Welby, C.B., and Mr. Charles Lister Ryan - - -	32
Mr. William H. White - - - - -	33
Mr. William Minifie - - - - -	35
Colonel Charles Nugent, C.B. - - - - -	37
Mr. George Chetwynd - - - - -	38

Wednesday, 14th May 1879.

Mr. Reginald Earle Welby, C.B. - - - - -	39
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MINUTES OF EVIDENCE.

Wednesday, 12th March 1879—continued.

MEMBERS PRESENT:

Sir Walter Barttelot.
Lord Frederick Cavendish.
Mr. Thomson Hankey.
Sir Henry T. Holland.

Sir John Lubbock.
Mr. O'Reilly.
Mr. Seely.
Sir Henry Selwin Ibbetson.

LORD FREDERICK CAVENDISH, IN THE CHAIR.

REVENUE DEPARTMENTS AND POST OFFICE PACKET AND TELEGRAPH SERVICES.

On Vote 3.—POST OFFICE.

Mr. REGINALD EARLE WELBY, C.B., and Mr. CHARLES LISTER RYAN, called in;
and Examined.

Chairman.

330. (To Mr. Welby.) The Comptroller and Auditor General states, in the second paragraph of his Report, that as regards the examination of the London District and Provincial Post Office Accounts as to Treasury authority; the mode of remunerating Sub-Postmasters and Receivers; and the apportionment of rents of premises jointly occupied by postal and telegraph services; he has only to report that it has been communicated to him by direction of the Postmaster General, that on the 25th of September last the Lords of the Treasury informed him that these questions would shortly engage their attention. Can you inform the Committee whether any progress has been made with those questions which have been so long under consideration?—The Treasury have had all these three subjects under their consideration, and they have been in communication with the Postmaster General and the Audit Office upon the subject. With respect to the first of these subjects, viz., the examination of the London District and Provincial Post Office Accounts as to Treasury authority, an arrangement has practically been made between the three departments which is at present in course of being reduced to official record. A report was made by the Treasury officers of accounts upon the subject, upon which a communication was made to the Audit Office; and the Audit Office have proposed a scheme which appeared to the Treasury to meet the object in view, and which is now in course of reference to the Postmaster General. I have reason to believe that the Postmaster General will approve

0.55.

Chairman—continued.

it also; and as soon as his reply is received, the correspondence will be submitted to the Committee. Passing on to the second subject, viz., the mode of remunerating sub-postmasters and receivers, the first impression of the Treasury upon this point was that there was a well-founded objection to the present mode of remunerating the postmasters; but they found that the Postmaster General took a different view; for administrative reasons he thought the present mode the best. It then occurred to the Treasury that in all probability a Departmental Committee would be the best means of settling the question; but before nominating such a Committee they referred the question again to the Postmaster General, and asked him to favour them with the reason which induced him to differ from the Comptroller and Auditor General. They have now received from the Postmaster General a letter stating his views at length; and it appears to them that the views which he puts forward are so well founded, and the reasons which he gives for maintaining the present system so strong, that they are prepared to maintain the present system. They are communicating this letter to the Comptroller and Auditor General with their decision thereon, and it will then remain for the Comptroller and Auditor General to give his opinion, and to state whether he acquiesces or whether he will press his objection.

331. (To Mr. Ryan.) The objections of the Comptroller and Auditor General were confined to matters of account, were they not?—They were.

A

332. These

Mr. Welby, C.B.,
and Mr. Ryan.

12 March 1879.

Mr. Welby, c.s.,
and Mr. Ryan.

19 March 1879.

REVENUE DEPARTMENTS, &c.

Vote 3.—Post Office—continued.

Chairman—continued.

332. These officers are paid partly by salary and partly by poundage, are they not?—They are paid in different ways: by commission, and by poundage, and by salary. As a matter of account and simplicity of record, it appeared to the Comptroller and Auditor General that the alteration which he recommended would be an improvement; but of course, until he has seen the answer or the objections of the Post Office, he can give no further opinion.

333. (To Mr. Welby.) Have you any observation to make with respect to the apportionment of rents and premises jointly occupied by Postal and Telegraph Services?—The heads of the Post Office and the Treasury have conferred upon the subject of this apportionment of rents, as stated in the evidence given before the Committee last year; and, as the result of that, a communication was made by the Treasury to the Postmaster General, who has replied at length, giving reasons contrary to the view entertained by the Comptroller and Auditor General. The correspondence is under the consideration of the Government, and I have reason to believe that a direction of the Government will very shortly be issued upon the subject.

334. In paragraph 3 the Comptroller and Auditor General says, "With regard to the excess of the cost of management of Government Annuities and Insurances over the amount received by the Postmaster General, I have been informed by the Post Office that the Treasury have not yet communicated their decision on this question." Has any decision yet been arrived at by the Treasury?—The Treasury have not yet come to any decision upon that question.

335. If I remember rightly, the Act relating to these annuities requires that there shall be no excess of cost?—That is the case.

336. And this question has been reported upon by the Comptroller and Auditor General for many consecutive years, has it not?—The question that the Comptroller and Auditor General has reported upon is comparatively a simple one; but there are other questions which require to be taken into consideration by the Treasury with regard to the management of these annuities, which are difficult in themselves, and which will require consideration. That has been the reason of the delay in dealing with the matter hitherto.

337. Is it likely that any action will be taken with respect to this question before long?—So many of the questions that have hitherto occupied the attention of the Treasury are now cleared up, that I am in great hopes that it will be in their power to settle it very shortly.

338. (To Mr. Ryan.) With respect to the em-

REVENUE DEPARTMENTS, &c.

Vote 3.—Post Office—continued.

Chairman—continued.

ployment of persons in provincial post offices before they have received Civil Service certificates, in the Treasury letter (D.) to the Comptroller and Auditor General (page 425), the following passage occurs: "However, if you will specifically point out wherein the notice of 16th January 1872 (as it is really worded), fails, in your opinion, to meet the cases to which, in the postal service, my Lords hold that some such notice must be applied, nothing is easier than to alter it, if my Lords and the Postmaster General concur in doing so, under the powers reserved in Clause VIII. of the Order in Council of the 4th June, 1870." Has the Comptroller and Auditor General pointed out to the Treasury in what respects the notice fails?—Before the Comptroller and Auditor General felt himself in a position to answer that Treasury letter he thought it necessary to communicate with the Post Office, in order to ascertain exactly what was the nature of the examination to which those persons were submitted, and on whose behalf, inasmuch as there seemed to be some point not clearly understood between the Treasury and the Post Office in the evidence before the Committee last year. He has recently received a letter from the Post Office, in which it is pointed out that those persons are examined by the postmasters, and not by the Civil Service Commissioners, but that the postmasters act, in so doing, as the agents of the Civil Service Commissioners, and therefore, if the Civil Service Commissioners are prepared to accept the examination by the postmasters, of course the Comptroller and Auditor General has no observation to make upon it. With regard to the question of whether the Order in Council fully meets the case of these persons or not, the first view taken by the Comptroller and Auditor General was, that it was really not wide enough in its terms to do so, and that was the view which was held by him last year before this Committee; at the same time, if the Treasury, as the department which practically framed this Order in Council, holds that it does embrace this case (and we are now distinctly informed that it does), I do not think the Comptroller and Auditor General, whose only object is to regularise these appointments, would raise any objection to accepting that Order as covering these cases.

339. As I understand, the contention of the Treasury now is that the whole class is included in the Order?—That is their contention. The view of the Comptroller and Auditor General was that it applied rather to the cases of individuals than to the case of a very large class, as this is.

Mr. STEVENSON A. BLACKWOOD, called in; and Examined.

Sir Walter Barttelot.

Mr. Blackwood.

340. WOULD it be possible in rural districts to examine these men in any other way than by the postmasters?—I can conceive of no other way except at a very large expense, which would be unwarranted, I think, by the results.

341. Are not a large number of them rural post messengers?—A very large number.

Sir Walter Barttelot—continued.

342. Do you not often find it absolutely necessary to employ a man to do the work before he is absolutely appointed?—Yes, in most cases.

343. And when he has proved that he is fit for the post, then, provided that he can pass this qualifying examination, he is appointed?—That is so.

344. In

REVENUE DEPARTMENTS, &c.

Vote 3.—Post Office—*continued.*Sir *Walter Barttelot*—*continued.*

344. In fact, he is nothing more nor less than a labourer?—That is so.

345. And the postmaster in most districts is perfectly competent to examine him as to those points which it is essential that he should know?—That is the view of the Post Office.

Chairman.

346. And it is the custom of the Civil Service Commissioners to send their certificate upon ascertaining that this examination has been so passed?—Yes.

POST OFFICE PACKET SERVICE.

Chairman.

347. In a letter from the General Post Office, dated 18th December 1878, it is stated that the question of the accounts with the Indian Post Office was referred by Viscount Cranbrook to the Government of India, in September last, for an

REVENUE DEPARTMENTS, &c.

Vote 3.—Post Office—*continued.**Chairman*—*continued.*

early expression of their views on the subject; has any reply been received?—Not yet.

348. With respect to the arbitration with the Royal Mail Steam Packet Company, if I remember rightly, that arbitration refers to accounts for the years 1872, 1873, and 1874?—It does, under a previous contract.

349. We have been informed upon more than one occasion that those accounts are to be referred to arbitration without more delay than is necessary; is this matter likely to be soon settled?—It is believed that the Post Office will have to go to arbitration with the Royal Mail Steam Packet Company. The opinion of the Post Office counsel has been received within the last month, but I am sorry to say it is not a final one, inasmuch as he suggests that a further investigation of accounts should take place. That investigation is almost concluded; and I hope we shall be able to settle the matter in one way or the other very shortly, whether the Post Office will have to go to arbitration or not.

Mr. *Welby*, C.B.,
Mr. *Ryan*, and
Mr. *Blackwood*.

12 March 1879.

NAVY APPROPRIATION ACCOUNT.

Mr. ROBERT GEORGE CROOKSHANK HAMILTON, called in; and Examined.

Chairman.

350. You are the Accountant General of the Navy?—I am.

351. With respect to the mode in which the debts of seamen and marines are credited and charged, it is stated in the letter numbered B 3 (page 20) that there is a departmental inquiry into the question of the desirability or otherwise of keeping a distinct account in the Admiralty ledger for debts of seamen and marines afloat, which involves the consideration of all the details referred to in the letter from the Exchequer and Audit Department of the 18th November 1878; has that departmental inquiry been concluded?—It has, and we have directed a letter to the Treasury, stating what the Admiralty would be prepared to do, and pointing out that to keep such an account as the Comptroller and Auditor General suggests, would cause a very considerable amount of clerical labour; but we quite admit that he hits one important point, when he says that one of the results of the present practice is, that balances irrecoverable are not reported to the Treasury for sanction. We can see our way to meet that, and we shall do so forthwith; but as regards the keeping of an account, to show exactly what the debts due are, we see considerable difficulties, and the matter is now under the consideration of the Treasury.

352. (To Mr. *Ryan*.) That report, I presume, has not yet been submitted to the Comptroller and Auditor General?—The Comptroller and Auditor General has received a copy of the letter which the Admiralty had addressed to the Treasury upon the subject, but he has not received the Treasury decision.

353. You cannot state, therefore, whether the suggestions in that Report would meet the 0.55.

Chairman—*continued.*

views of the Comptroller and Auditor General?—I cannot state that they would meet his views, because the proposal is to continue an arrangement which, in our view, is contrary to sound principle as well as to the Exchequer and Audit Act, inasmuch as it proposed to charge against the Vote sums which are advanced on account of seamen's wages, but which have not yet become due; and it also has the effect of charging to one year that which may properly be payable only in the next year. At the same time we are unable to state whether or not the amount which is involved is a very large one, and our examination of the details has not gone far enough to enable us really to form a thoroughly sound opinion. I should not like to commit myself at present as to what our view may ultimately be.

354. (To Mr. *Welby*.) The Treasury has not come to any determination with respect to this question?—No; not yet.

355. Referring to paragraph 5 of the Comptroller and Auditor General's Report, has any determination been arrived at by the Treasury with respect to the general question of extra receipts?—The Committee were informed last year that a Committee of the Treasury, under the presidency of the Secretary of the Treasury, had before it the proposal made by Mr. Mills upon this subject. They have been very anxious, in laying their remarks upon that proposal before the Committee, to accompany it not only with the opinions of the Departmental authorities, but also with the opinion of authorities known to the House of Commons; and they have got all the opinions which they thought would be desirable to add to their Report, except one of the most valuable, that of Sir Thomas Erskine May. Sir Thomas Erskine May has promised to let them

Mr. *Hamilton*.

Mr. Welby, C.B.,
Mr. Ryan,
Mr. Blackwood, and
Mr. Hamilton.

12 March 1874.

NAVY APPROPRIATION ACCOUNT—continued.

Chairman—continued.

them have his opinion in a very short time, and as soon as ever they have received that they will be in a position to lay the result before this Committee.

356. (To Mr. Hamilton.) In paragraph 6 the Comptroller and Auditor General points out that the cost of the purchase of torpedoes has been charged against both the War Office and the Admiralty Votes. This has been caused, I presume, by its having been found advisable for both those Departments to buy torpedoes?—That is so.

357. And it is in accordance with the general practice that the Department administering a service should account for it?—That is so. In order to avoid any misunderstanding in the Estimates both for the Navy and for the Army of this year, notes are appended.

Mr. O'Reilly.

358. Has it not hitherto been the practice that all stores should be taken in the Army Votes?—These are stores which the Admiralty have procured, not from the War Office.

359. But has it not, up to this time, been the practice to procure all such stores as these through the War Office?—Not entirely so; but generally so.

360. What instance can you give of the contrary?—There was a case referred to in the Report of this Committee, I think, two or three years ago.

361. Is it the intention of the Admiralty then to continue estimating for stores of this nature separately, as well as through the War Office?—It is the intention to have a Committee upon the subject which time would not allow of before the preparation of the Estimates for 1879–80.

Chairman.

362. At the conclusion of paragraph 7, under the head of "Expenses of Distressed British Seamen charged to Naval Funds," the Comptroller and Auditor General states, "I have only to observe that had the claim on the Board of Trade been made at an early date after the transaction, the Navy Vote for the year 1875–76 would have been credited with the sum in question;" that is so, is it not?—That is so.

363. With respect to paragraph 8, "Payment to British Consul at Zanzibar," has any voucher yet been received from Dr. Kirk for this payment of 23 l. 5 s. 6 d.?—It has not; the Foreign Office have been asked to obtain it from him.

364. The Comptroller and Auditor General states that, "No reply is given in the Admiralty letter upon the subject of the Treasury sanction for the charge against naval funds;" was that sanction applied for?—That sanction has not been applied for. It was not considered at the time to be an item which required Treasury sanction.

365. Does the Admiralty at present not consider it necessary?—Probably if the item were to occur now the sanction would be applied for, and for similar items in future it will be applied for.

366. (To Mr. Welby.) Do you consider that this item requires Treasury sanction?—The only information that the Treasury have upon the subject is that contained in this paragraph; and upon the showing of that paragraph I think the

NAVY APPROPRIATION ACCOUNT—continued.

Chairman—continued.

opinion of the Treasury would be that Treasury sanction was necessary.

367. If it was necessary, would it be desirable that it should now be applied for?—The Comptroller and Auditor General has not thought it necessary to exclude the item from the account; and that being the case, the Treasury sanction is not absolutely necessary in order to regularise it.

368. (To Mr. Hamilton.) In paragraph 9, "Titles of Sub-heads of Estimates," the Comptroller and Auditor General gives an illustration of the defective titles of some of the Sub-heads of Estimates, and states that under Sub-head F., of Vote 17, which provides for "Freight of Ships, &c., on Monthly Pay, the entire sum of 5,100 l. taken in the Estimate was intended to provide for the purchase of horse boats, and that no provision was made by the Admiralty for the hire of transports on monthly pay;" what is the meaning of that?—I think the main explanation is this, that the sub-divisions of the Vote were not very well drawn up. This year we have re-cast that Vote altogether in a way which, I think, will meet all the objections that have been raised by the Comptroller and Auditor General.

Sir Henry T. Holland.

369. You admit, in fact, the force of the objection here stated?—Quite.

Chairman.

370. In paragraph 10, "Conveyance of Troops between Ports in the United Kingdom," the Comptroller and Auditor General says, "I am not aware of the circumstances which led to the arrangement above referred to, but I am of opinion that the question whether Army or Navy Votes should bear a charge for the conveyance of troops by sea, coastwise, or between Great Britain and Ireland, should not be determined by the mere accident that the number conveyed is 50 or 51. If, however, it is desirable to maintain the present rule as to the Vote to be charged, it should, I think, be strictly and literally interpreted." Have you any explanation to offer upon that point?—This point would have been looked into if it had not been that the Transport Department was very much overburdened just at the time of preparing the Estimates; but it is an old arrangement with the War Office that, for the transport of 50 men and under they provide, and that for anything over 50 the Admiralty provide, the idea being that a number under 50 sent coastwise might perhaps be conveyed as economically by train, and that it did not require the intervention of a Marine Department to secure their transport.

371. This sum appears in the Navy Accounts, because it was a service administered by the Admiralty?—That is so.

372. As to the number, it was due to an accident that not more than 50 embarked?—That is so; a larger number was requisitioned for.

373. (To Mr. Ryan.) Have you anything to observe upon this sub-head?—No; our only idea was that it was not a good point upon which to make the charge against the Army or the Navy Votes turn, and that it would be better to have some definition that we could follow more easily, such, for instance, as that where soldiers were moved by a vessel the charge should fall upon the

NAVY APPROPRIATION ACCOUNT—*continued.**Chairman—continued.*

the Admiralty Vote, and when by land, upon the Army Vote. This running of the two Votes into each other makes it exceedingly difficult for us carefully to watch the appropriation.

374. (To Mr. *Hamilton.*) I understand that the Admiralty propose to consider this question?—This point will be considered.

Mr. O'Reilly.

375. Would there not be this difficulty arising if you charged all land conveyance to the Army Vote, and all water conveyance to the Navy Vote; that the Army Department would have to apply to the Navy for the conveyance of, perhaps, only two or three persons in a coasting steamer, or across from Holyhead to Kingstown, and that it would be a useless expenditure of time and trouble to have to apply to a separate department for so small a matter as that?—I have no doubt that that was the reason which led to a limit, and to that limit being fixed at 50; but that is one of the points which will be inquired into.

Chairman.

376. Here, again, so long as there is an analogous service in both the Army and Navy Accounts, it is desirable, is it not, that notes should be appended showing the total cost in one or the other of the accounts?—There would be no objection whatever to putting any note in the Navy Estimate to that effect. (Mr. *Ryan.*) The Navy Estimates provide for freight of troops coastwise, and between Great Britain and Ireland, where there are over 50 men and 10 horses, so that the statement is already in the Estimates.

377. (To Mr. *Hamilton.*) In paragraph 11 of his Report the Comptroller and Auditor General points out that repairs of engines are charged to two different sub-heads; why is this?—That has been attended to in the preparation of this year's Estimates. The sub-heads have been entirely re-cast, and I think that will prevent any question of this sort arising in future.

378. (To Mr. *Ryan.*) At the conclusion of paragraph 14, the Comptroller and Auditor General says, "I have to observe that as the expenditure" (that is to say payments for freight of provisions to British Columbia in 1870) "was incurred in connection with the establishment of the colony of British Columbia, naval funds should not, it appears to me, have been charged with the sum in question": can you suggest to which account this charge should have been placed?—I think that the charge might have been met from civil contingencies.

379. And a Vote subsequently taken to repay civil contingencies from colonial funds?—If it was thought desirable; or else it might have been made a charge upon the Vote taken for "Repayments to the Civil Contingencies Fund." It is not a naval service.

380. (To Mr. *Welby.*) What would be the opinion of the Treasury as to that course?—I do not think that there would be any objection to the course which the Comptroller and Auditor General points out. The fact was that the charge had been for so many years left upon naval funds that it looked as though there had been an amount of apathy about looking it up. On the whole the Treasury thought that it had better be left as a naval charge, though decidedly

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NAVY APPROPRIATION ACCOUNT—*continued.**Chairman—continued.*

not under the circumstances a charge that ought to be put upon the Navy Votes.

381. (To Mr. *Hamilton.*) In paragraph 15, "Expenditure upon New Works in Excess of Estimate," the Comptroller and Auditor General says, "The letter from my department concluded by pointing out that the Treasury Minute of the 24th November 1870, directing that previous Treasury sanction should be obtained in every case in which 'the expenditure during the financial year is beyond the total estimated cost of each work,' and requesting that I might be furnished with an explanation of the apparent diversity of practice above adverted to;" what was the cause, of that diversity of practice?—The Admiralty had held that they were not bound to go to the Treasury for sanction to excesses except where the sub-head was exceeded; not where the details of the sub-head were exceeded.

382. In the case of this Sub-head C., was not the sub-head exceeded?—The sub-head was not exceeded.

383. (To Mr. *Ryan.*) Does the Comptroller and Auditor General think that the Treasury Minute requires Treasury sanction where the sub-head is not exceeded?—He does, in the case of any new work.

384. (To Mr. *Welby.*) What is the opinion of the Treasury upon this point?—As the Minute of the 24th of November 1870 now stands, the Treasury have no hesitation in saying that the view of the Comptroller and Auditor General is right. There is a general regulation in that Minute that a surplus on one sub-head cannot be applied to meet a deficiency on another without Treasury permission; but in addition to that there is another paragraph in the Minute which says that in the case of new works, improvements, and repairs, no new work (and I think, looking at the heading of the paragraph, I should add to that improvement or repairs) can be undertaken without Treasury assent; and further that the sum provided for the year cannot be exceeded without Treasury assent. Until that paragraph has been re-considered, it appears to me that the Admiralty are bound to obtain Treasury assent.

385. (To Mr. *Hamilton.*) Do you know on what ground the Admiralty dissent from that view?—They have never read the Treasury Minute as being applicable to those cases. They have considered that the general instruction as to the excess of the sub-head requiring authority applies to this Vote, as it does to every other Vote. They further say that although they give details under the sub-heads of various works, those details are more in the nature of explanation than items by which they ought to be rigidly bound.

386. Would they claim the right of making additions without Treasury sanction?—They would go for any new work to the Treasury now.

387. Then ought they not equally to have gone to the Treasury for sanction as to the expenditure to which this account refers?—I apprehend that those are not new works.

388. The Comptroller and Auditor General says: "It is included expenditure, the amount of which is not stated, for repairs and additions to the Admiral Superintendent's residence, a service which as regards the additions seemed, in the absence

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Mr. *Welby*, C.B.,
Mr. *Ryan*,
Mr. *Blakwood*, and
Mr. *Hamilton*.

12 March 1879.

Mr. Welby, c.s.,
Mr. Ryan,
Mr. Blackwood, and
Mr. Hamilton.

12 March 1879.

NAVY APPROPRIATION ACCOUNT—continued.

Chairman—continued.

absence of special mention in the Estimates, particularly to require Treasury sanction"?—The explanation as regards that particular item which has been furnished to me is this: that the additions were very trifling indeed, the repairs were the ordinary repairs which in ordinary course would have fallen into the next year, but in that particular year there was a change of occupancy, a new superintendent came, and the opportunity was taken advantage of to repair the house and to make those small additions. In that sense it was a work unprovided for in the Estimate, but it would have come in the ordinary course in the next year.

389. The Comptroller and Auditor General states that no reply to his inquiries has been received from the Admiralty in respect to this matter?—The reply has not yet been sent.

390. Is it intended to send a reply?—Certainly.

Mr. O'Reilly.

391. (To Mr. Welby.) Would the Treasury maintain that additions, as well as new works, would require sanction?—The words used in the heading of the paragraph in the Treasury Minute are, "New Works, Improvements, and Repairs." It appears to me that those words are very wide. I do not think that, in the case of small additions, the Treasury would press the interpretation to the extreme; but the words as they stand in the Minute are very general, and I can hardly think that the Admiralty are free from the necessity of applying for Treasury sanction in the case of any addition or improvement of any magnitude. I think it would be their duty, if they demurred to the necessity of so doing, to bring the Minute to the notice of the Treasury again, and endeavour to have it reconsidered.

Chairman.

392. (To Mr. Hamilton.) In paragraph 16, the Comptroller and Auditor General calls attention to the mode in which the Sub-heads of Vote 11 have been credited and debited, with regard to an occasion on which machinery belonging to one dockyard is transferred to another, and says that "it is evident that under the existing practice a particular yard may obtain funds in excess of those placed at its disposal for new works by Parliament, and that, crediting its vote with the value of machinery transferred, its actual expenditure may be correspondingly under-stated"; have you any observation to offer with respect to that subject?—That has been the practice hitherto, but it will be discontinued.

393. In paragraph 24, the Comptroller and Auditor General states, that "no formal receipt appears to have been given by the Turkish Ambassador for the purchase money of the 'Superb'; but in this case, as in the others, the Navy Bill, by which payment was made, has been duly endorsed. The absence of this document is noticed, because, from the fact of such receipts having been given in the other cases, they would appear to have been considered necessary"; can you inform the Committee why no such receipt was given?—No formal receipt was taken from the Turkish Ambassador, but it was known at the time that the vessel was sold by him that there were certain charges upon this vessel which would have to be met, and the payment was not

NAVY APPROPRIATION ACCOUNT—continued.

Chairman—continued.

made to the Turkish Ambassador until he had given a delivery order to the persons who were in charge of the ship to hand her over to the Government on the payment of those charges.

394. Was a receipt obtained from those persons to whom the delivery order was given?—A receipt was obtained for the money paid to them.

395. They being at the time the real owners of the vessel?—Yes.

396. (To Mr. Ryan.) Would that explanation meet the views of the Comptroller and Auditor General?—I think so, as far as I was able to follow it.

397. (To Mr. Hamilton.) In the case referred to in paragraph 25, also, there is a payment for armament charged against Naval Funds in addition to the sum provided in the Naval Estimates, is there not?—Yes.

398. By paragraph 26, in respect to the payment for stores purchased for the "Independencia" (now Her Majesty's ship "Neptune"), the Comptroller and Auditor General states that it is not explained why the price-list of those stores, if it was furnished to the Admiralty, cannot now be produced; what is the explanation of that?—The vessel at the time she was purchased had all stores on board both for her own use and as a reserve. The Ambassador at the time said that he could furnish a list of the surplus stores, which the Government might or might not take; but it turned out afterwards that he was unable to do this, and I have a statement on the subject from the Controller, which, with the permission of the Committee, I will read: "The Brazilian Ambassador was unable to furnish the list referred to in his letter of 13th March 1878, and he sent Captain da Cota, the Naval Attaché, here to explain that it was found to be impracticable to furnish such a list. He made an offer of the voyage and outfitting stores and surplus stores at 15,000*l.*, estimating at the same time that they had cost near 40,000*l.* To confirm this statement of his the Ambassador submitted the invoices and receipts for all the stores in the ship for inspection, and comparison with our establishments, to the Controller of the Navy. A valuation was made by the Controller and his officers of what was included in the above terms in each invoice, and the total sum reached justified the Ambassador's statement. It was impossible to compare these receipts with the stores actually in the ship without spending months in unstowing her, and unpacking and weighing the stores. It was evident, from the Controller's inspection, that the ship was crammed up with stores, and was ready to sail. The Ambassador declined to give up the invoices and receipts, and there was no means therefore, after the purchase, of comparing the stores actually in her with those stated by the Ambassador to be in her, and detailed in the invoices and receipts with which he supported his statement."

399. In paragraph 27, the Comptroller and Auditor General states with respect to the payment to Messrs. Gadban and Watson, that "the expenditure appears to have been incurred by them on behalf of the Turkish Government, whilst acting in their official capacities as Ottoman Consul and Vice Consul, and it is by no means clear, from the Admiralty Letter of the 18th December 1878, that it should not have been

NAVY APPROPRIATION ACCOUNT—*continued.**Chairman—continued.*

been deducted from the sum of 443,000 *l.* paid to his Excellency the Turkish Ambassador for the purchase of the 'Hamidie.' Have you any explanation to offer upon that point?—This was a payment which was made to complete the purchase of a vessel, for which the sum of 443,000 *l.* was paid to the Turkish Ambassador. Before we could get possession of the vessel, we had to pay the charges of Messrs. Gadban and Watson.

400. When the Admiralty agreed to purchase this vessel for 443,000 *l.*, were they aware that there was this further sum to be paid?—They were.

401. (To Mr. *Welby*.) In the opinion of the Treasury, is this payment correct?—So far as I am aware, the point has not come before the Treasury, except in the Report of the Comptroller and Auditor General. I do not think it would have occurred to the Treasury to raise any objection to the mode of charging.

402. (To Mr. *Ryan*.) Would the explanation that the Admiralty were aware, when making the contract, that these further sums would have to be paid, remove the objection of the Comptroller and Auditor General?—If the Comptroller and Auditor General was clearly aware that it was part of the bargain that these further sums should be paid, they would practically be an additional amount to the original sum, and he would be satisfied.

Sir Henry Holland.

403. (To Mr. *Hamilton*.) It appears from the Admiralty letter of the 18th of December, that when your negotiations were opened, it was found that Messrs. Gadban and Watson had a lien upon the vessel for money advanced to the Turkish Government, and then the letter goes on to say, "In these circumstances the purchase was made with the distinct understanding that the stores, &c. should be bought, and the other charges incurred by Messrs. Gadban and Watson, should be defrayed by this Department"?—That is so.

404. Therefore information was given of the views of the Admiralty; it was known that this lien existed, and that the payment of it was to be part of the contract?—That was so.

Chairman.

405. (To Mr. *Ryan*.) Have you any remark to make upon this point?—Nothing further, except that it seemed to us to be a doubtful point.

406. (To Mr. *Hamilton*.) In paragraph 28, with respect to the payment to Mr. Wills, the Comptroller and Auditor General states that he cannot concur in the propriety of the decision by which this payment has been charged against the Sub-head of Purchases of Ships, &c., and that "If the payment was for a 'Secret Service' it should have fallen upon the portion of that Vote assigned to the Admiralty; if not for a secret service this Department should have been furnished with the means of verifying the correctness of the sum as charged." Have you any explanation to offer upon that point?—I think not. All the information was laid before the Comptroller and Auditor General that it was thought advisable in the public interest to produce, and the Treasury agreed with the Admiralty.

NAVY APPROPRIATION ACCOUNT—*continued.**Chairman—continued.*

rality in making the charge to this particular head.

407. (To Mr. *Welby*.) How far do you consider that the Department is within its right in refusing information as to votes which are not for secret service?—They are only justified by the necessities of the public service. I think it is the duty of the Department upon its own responsibility to state the point upon which it must decline to give the information, and then of course the Comptroller and Auditor General would report that to the House of Commons. I do not think it possible to lay down the line at which information can be refused.

408. But in such a case should not the charge be made against the Secret Service Fund?—As the Treasury understood, this was an expense arising out of and solely belonging to the purchase of the vessel, and it was on that ground that they sanctioned it.

409. (To Mr. *Hamilton*.) It arose not only in connection with the purchase of the iron-clad but also in connection with certain other vessels which were not purchased, did it not?—That is so.

410. The circumstances are explained in a note in the Appropriation Account, are they not?—They are.

411. (To Mr. *Ryan*.) Have you any observation to make with regard to this payment?—The Comptroller and Auditor General is of opinion that a charge against a public Vote should be supported by public papers, and that if the charge is really in the nature of employing a particular person in confidential inquiries and so on, it falls within the meaning and intention of the Secret Service Vote which is granted for payments, the nature of which cannot be properly stated. It is almost the only case which the Comptroller and Auditor General has come across in his examination where he has been denied access to papers relating to a public charge on the ground that they were confidential.

412. (To Mr. *Hamilton*.) In paragraph 33 the Comptroller and Auditor General states that on the subject of certain advances and repayments a letter was addressed by his Department on the 19th December last, requesting to be informed in what Accounts they would be found to be charged and credited respectively, but that up to the present time he had not received any reply. Has any reply yet been sent?—The reply to that letter will go to-day.

413. In paragraph 34, with respect to the question of making the Admiralty ledger show the total amount of claims raised, the Comptroller and Auditor General says, "I must, however, remark that whether this proposal or some other plan be adopted for the purpose of making the Admiralty ledger in the future exhibit the total amount of claims preferred, it would, in my opinion, be an improvement if the next Annual Account presented to Parliament, viz., that for 1878-79, were made to show by an explanatory foot-note, or otherwise, not only the amount which has been charged against Naval Votes in respect of irrecoverable balances and claims abandoned, and the additional losses incidental thereto, but also the several losses which may have occurred in connection with claims, the abandonment of which has not occasioned any charge

Mr. *Welby*, c.s.,
Mr. *Ryan*,
Mr. *Blackwood*, and
Mr. *Hamilton*.

12 March 1879.

Mr. Welby, C.B.
Mr. Ryan
Mr. Blackwood, and
Mr. Hamilton.

12 March 1879.

NAVY APPROPRIATION ACCOUNT—continued.

Chairman—continued.

charge against the Votes of Parliament." That could easily be done, I presume?—Yes; and will be done.

414. Is the larger question of making the Admiralty ledger show the total amount of claims raised being considered?—It is being considered now, and that will be done, no doubt. There was a little difference of opinion as to the best way in which it should be done, and the Admiralty have now received a letter from the Treasury upon the subject, containing a proposal which they do not entirely see their way to accept; but there is no doubt that the point made here by the Comptroller and Auditor General will be attended to.

415. Referring to paragraph 35, has any decision yet been arrived at with respect to the account against which this sum of 224 L. 16 s. 11 d. is to be made chargeable?—The Admiralty appear to have really no option in the matter. The Treasury will not meet the charge out of Civil Contingencies, and the action of the officer has been generally approved. There would appear to be nothing for it but to charge the amount to miscellaneous expenditure in the Naval Vote.

416. (To Mr. Ryan.) Would that course be objectionable in the opinion of the Comptroller and Auditor General?—The Comptroller and Auditor General would rather defer giving an opinion until he sees the sum charged.

417. (To Mr. Welby.) The Treasury have absolutely refused to allow this expenditure to be a charge upon Civil Contingencies, have they not?—The view that the Treasury took of it was, that the transaction was an irregular one, and that being the case, they took the course that they have taken upon one or two other occasions, namely, to decline to give a transaction, which they think irregular, an appearance of regularity, by sanctioning the charge upon Civil Contingencies. They preferred to leave it open so that the Comptroller and Auditor General might call attention to the irregularity and bring it before the Committee.

418. It now having been brought before the Committee, do you consider that it should be defrayed from the Navy Vote or from Civil Contingencies?—The Treasury generally wait until the Committee have reported upon the irregularity of the transaction, and then consider the method of reducing it to regularity.

419. (To Mr. Hamilton.) You state that the Admiralty consider that the transaction was an irregular one?—They consider that the transaction was irregular, although they approved the intention.

Sir Henry T. Holland.

420. On what grounds do they place this as a charge against the Colonial Office?—The Colonial Office had not admitted the charge, but the charge was raised against them, because this Mr. Davis was taken to Sidney to be tried.

421. But the time-expired labourers were not in a colony?—No.

Chairman.

422. In paragraph 37, with respect to the expenses of Naval Cadets in Training Ships, the Comptroller and Auditor General states that

NAVY APPROPRIATION ACCOUNT—continued.

Chairman—continued.

his Department suggested, for the consideration of the Lords of the Admiralty, whether, as the balance had on the 30th September 1878 increased to 13,359 L. 9 s. 1 d., some portions thereof might not, with advantage, be paid over to the Exchequer, observing at the same time that no payment appeared to have been made to the Exchequer since the 27th February 1875, when a sum of 8,000 L. was handed over. Is there always a surplus on those payments?—There is always a surplus in the ledger account, because the money is received before it is expended. The payments are made six months in advance by the guardians of cadets.

423. Is it likely that this balance will remain at about the same sum?—I should say so; I am going to send down a gentleman to inspect the account which is locally audited; my impression is that there is not much of a balance that could be surrendered; but whatever that balance is it will be surrendered when it is ascertained.

424. With regard to the balance in respect of the navigation of the "Nelson" to Victoria, and the balance in respect of the construction of the "Abyssinia" and "Magdala," the Comptroller and Auditor General states that the attention of the Admiralty was called to the circumstance that those balances appeared in the earliest statement of ledger balances transmitted to his department, namely, that which accompanied the Navy Appropriation Account for 1869-70; has any information been yet furnished to the Comptroller and Auditor General as to the dates on which this expenditure was incurred?—Not yet, but I am in hopes that these balances will disappear before the next report.

425. They are now being investigated, I suppose?—Yes.

426. With respect to the balance due to Navy Funds for the Royal Naval Canteen, Malta, has any settlement been arrived at?—The Lords of the Admiralty looked into that on their recent visit to Malta, and a letter has been sent to the Treasury asking for permission to abandon that claim.

Mr. O'Reilly.

427. What is the amount of the claim?—Between 800 L. and 900 L.

Chairman.

428. But the Treasury has not yet sanctioned the abandonment?—They have not.

Mr. Seely.

429. May I ask on what grounds the Admiralty recommend the abandonment of the claim?—On the ground that if a similar expenditure were going to be incurred now they would meet it out of the Navy Votes.

Mr. Thomson Hankey.

430. What is the amount of the Crimean Field Allowance Account?—That account is cleared now.

431. Has that account been kept open from the time of the Crimean War to the present time?—That is so; with regard to the other three cases, there are now certain claims which prevent us from closing the account.

432. Has

NAVY APPROPRIATION ACCOUNT—*continued.**Chairman.*

432. Has the balance of the Crimean Field Allowance Account been paid over to the War Department?—It has.

433. The other three Accounts, viz., "Donation War Batta Money to Marine Brigade in China," "East India War Batta Money," and "Kahding Prize Money Account," are still open, are they not?—They are still open, but they are in process of being closed, and I hope that they also will disappear.

Mr. Seely.

434. At page 116 it is stated that a second-

Mr. FOLLETT PENNELL, called in ; and Examined.

Mr. Seely.

436. What office do you hold?—I am one of the officers in the Department of the Accountant General of the Navy.

437. Does this gentleman who acts as private secretary in the Colonial Office take a salary from the Admiralty?—Yes.

438. Is he employed entirely at the Colonial Office?—Entirely.

439. And he does no duty at the Admiralty?—None at all.

440. Then on what ground is he paid a salary at the Admiralty?—I believe the practice has been in existence for many years for Cabinet

NAVY APPROPRIATION ACCOUNT—*continued.**Mr. Seely—continued.*

class clerk in the Naval Department is acting as private secretary to the Chief Secretary for Ireland, and his salary appears to be charged to the Navy, and there is an additional remuneration of 268 *l.* 6 *s.* 8 *d.* charged on the Civil Service Estimates; is he employed entirely in the office of the Chief Secretary for Ireland?—This gentleman is Sir Michael Hicks Beach's private secretary, and he is not now the secretary to the Chief Secretary for Ireland. He is at the Colonial Office with Sir Michael Hicks Beach.

435. But is employed entirely in the Colonial Office now?—Yes.

*Mr. Welby, C.B.,
Mr. Ryan,
Mr. Blackwood, and
Mr. Hamilton.*

12 March 1879.

Mr. Seely—continued.

Ministers and others to take their private secretaries from any office they please. They draw their normal salary from the office and pay a substitute, and there is a certain deduction made from their salary to pay a lower division clerk, or whoever is employed in their place.

441. Is that the invariable rule?—I believe so.

[*Mr. Pennell* withdrew.

442. (To *Mr. Welby*.) Is that your impression?—It is. There are a great number of precedents that might be quoted.

Mr. Pennell.

TELEGRAPH CAPITAL ACCOUNT.

Mr. Thomson Hankey.

443. Has the Telegraph Capital Account been now closed?—The power which the Treasury has under the Act of Parliament of borrowing money on the credit of Telegraph Capital Account expires on the 31st of March next. At the present moment there is a power of borrowing about 110,000 *l.* unexercised. It is very doubtful whether that amount will be required, and there are, I believe, good reasons for hoping that no further loan will be required. I am not able to state that positively, but I have reason to believe that that is the opinion of the Post Office.

Mr. Thomson Hankey—continued.

444. Before we close our meetings this year do you think you will be able to report that the Telegraph Capital Account has been closed?—That question will arise upon the examination of the Telegraph Capital Account which is supplied to the Committee as a matter of course. It probably will not come before you earlier than May, and by that time the Treasury and the Post Office will know what the expenditure on the Capital Account will be.

[The Witnesses withdrew.

Wednesday, 26th March 1879.

MEMBERS PRESENT :

Lord Frederick Cavendish.
Mr. Goldney.
Mr. Thomson Hankey.
Sir Henry T. Holland.

Sir Henry Selwin Ibbetson.
Sir Charles Mills.
Mr. Seely.

LORD FREDERICK CAVENDISH, IN THE CHAIR.

CHELSEA HOSPITAL ACCOUNT.

Major General Sir GEORGE HUTT, C.B., called in ; and Examined.

Chairman.

Sir G. Hutt, C.B.
26 March 1879.

445. THE Comptroller and Auditor General states in his Report, with respect to the Drouly Legacy Fund, that "The disbursements on account of this fund include a sum of 15 l. 10 s. paid to a clergyman who officiated at Chelsea Hospital during the period when the Chaplaincy was vacant," and that as 400 l. was provided in Vote 22 of the Army Estimates for the payment of the chaplain, including allowance for assistance, it did not appear to him to be "clear that the lodging allowance in question was properly chargeable against Colonel Drouly's bequest"; have you any explanation to add to that which is given in this report as the reply to the Comptroller and Auditor General?—It has been the

Chairman—continued.

universal practice from time immemorial that when any official was appointed to the hospital and could not enter into his residence, by reason of its being under repair, which it always is on such occasions, he should be allowed remuneration for the lodgings which he is obliged to take in the vicinity during the interval which elapses between his arrival and the time when he takes possession of his official residence.

446. And you consider that the funds of this legacy are applicable to that purpose?—That is what the Board of Commissioners have always considered.

[The Witness withdrew.]

CIVIL SERVICE APPROPRIATION ACCOUNTS.

Mr. REGINALD EARLE WELBY, C.B., and Mr. CHARLES LISTER RYAN, called in ; and further Examined.

CLASS I.

On Vote 12.—SURVEYS OF THE UNITED KINGDOM.

Chairman.

447. (To Mr. Welby.) CAN you now put in a statement showing the average period over which the repayments of these balances extend?—The Return is in course of preparation, and will be completed very shortly; if the Committee will permit me to do so, I will send it to the Clerk of the Committee.

CLASS II.

On Vote 5.—FOREIGN OFFICE.

448. Has any decision yet been come to by the Treasury with respect to the position of the Assistant Under Secretary in the Foreign Office as regards the provisions of the Superannuation

Class II.—Vote 5.—Foreign Office—*continued.*

Chairman—continued.

Act?—A letter has been sent by the Treasury to the Foreign Office on the subject of the pension of the Assistant Under Secretary of State, but the correspondence is not completed yet. The Treasury cannot entirely accept the proposal made by the Foreign Office and the Colonial Office, and there must be some further correspondence on the point.

449. Are you able to state how soon this question is likely to be concluded?—No.

Sir Henry T. Holland.

450. Does your answer apply to the Colonial Office as well as to the Foreign Office?—I understand that the Foreign Office case covers the Colonial Office case, and therefore the settlement of the Foreign Office case would practically decide that of the Colonial Office.

451. Have

Mr. Welby, C.B., and
Mr. Ryan.

APPROPRIATION ACCOUNTS—Class II.—
continued.

On Vote 38.—THE LOCAL GOVERNMENT
BOARD, IRELAND.

Chairman.

451. Have you any further explanation to give to the Committee with respect to the question as to the Vote under which "Payments for Rent, Ground-rent, Rates, Taxes, and Insurance" are charged?—A memorandum upon the subject has been prepared at the Treasury, which I am directed by the Financial Secretary to hand to the Committee. (*The same was handed in.*)

CLASS IV.

On Vote 2.—SCIENCE AND ART DEPARTMENT
FOR THE UNITED KINGDOM.

452. Can you give the Committee any further information with respect to the Professors' fees mentioned in paragraph 2 of the Report of the Comptroller and Auditor General?—We have no further information at present.

CLASS V.

On Vote 1.—DIPLOMATIC SERVICES.

453. Has any decision yet been arrived at by the Treasury as to the Vote against which the allowance to Sir Arnold Kemball should be charged?—A letter has been received from the War Office on the subject, but there are one or two points which are not clear between the Treasury and the Audit Office, and upon those points the Treasury are in communication with the Audit Office. I have very little doubt that we shall be able to clear them up very shortly, and then we shall be in a position to lay an opinion before the Committee. There are one or two other papers which, perhaps, the Committee would like me to put in. With regard to the apportionment of rents between the Post Office and the Telegraphs, I have here a copy of the Minute of the Treasury which has been passed, and to which I made an allusion in an answer that I gave at the last meeting of the Committee.

454. Will you hand it in?—Yes (*the same was handed in.*)

455. Have you any other paper to put in?—Yes, upon the subject of the Postmasters' salaries, one of the out-standing questions referred to by the Comptroller and Auditor General. I

APPROPRIATION ACCOUNTS—Class V.—
continued.

Vote 1.—Diplomatic Services—*continued.*

Chairman—*continued.*

have here the correspondence which settles that question (*producing the same*). It has been communicated to the Comptroller and Auditor General, and the only letter wanting to complete it is the answer of the Comptroller and Auditor General, which we have not yet received.

456. Will you hand in that correspondence?—(*The same was handed in.*)

457. (To Mr. Ryan.) Can you say when a reply will be sent?—The Comptroller and Auditor General has not sent any answer, because he thought it was understood from the evidence which was given before the Committee last time that his objection was only on a matter of account, and the decision of the Treasury was one which he saw no reason to object to.

458. Then there will be no further correspondence on that subject?—The correspondence may be considered as practically concluded with regard to that matter; but with regard to the other matter, the Comptroller and Auditor General may feel it his duty to make some further observations.

459. (To Mr. Welby.) What further documents have you to produce?—The Committee had before them a question raised by the Board of Trade as to the payment of salaries of masters and mates, upon which it was understood that the opinion of the law officers would be taken in order to know whether the course taken by the Board of Trade was legal or not. That opinion has been taken, and a Treasury Minute based upon it has been passed. I have a copy of the Minute here (*producing the same*).

460. Will you hand it in?—(*The same was handed in.*)

461. What other papers have you?—I have also a Return which was called for on the subject of the Queen's Colleges and Fees.

462. Will you hand it in?—(*The same was handed in.*)

463. Will you hand in any other paper you have?—I have also a letter on the subject of the relations between the Post Office and the Submarine Telegraph Companies; it is a letter from the Treasury winding up the correspondence which has passed between the two departments on that subject (*the same was handed in.*)

Mr. Welby, C.B., and
Mr. Ryan.

26 March 1879.

ARMY APPROPRIATION ACCOUNT.

Mr. WILLIAM H. WHITE, called in; and Examined.

Chairman.

464. (To Mr. Ryan.) This Account does not appear to have been presented to the House of Commons until the 7th of March; can you inform the Committee what was the cause of this delay?—The Account ought to have been presented on the 15th of February; the delay that has occurred between that time and the 7th of March has arisen from the difficulty of completing the examination and getting the Account and the Report printed within the time. The Com-

0.55.

Chairman—*continued.*

mittee are aware that properly speaking the Account should be presented in manuscript to the House, and afterwards ordered by the House to be printed; if that were done there would be no difficulty whatever on the part of the Comptroller and Auditor General in complying with the terms of the Act; but our getting it printed has been found so very much for the convenience both of the Exchequer and Audit Department and of the Treasury, and also, I

Mr. White.

B 2

Mr. Welby, c.B.,
Mr. Ryan, and
Mr. White.

ARMY APPROPRIATION ACCOUNT—continued.

ARMY APPROPRIATION ACCOUNT—continued.

26 March 1879.

Chairman—continued.

think I may say, of this Committee, in enabling them to get the Report much earlier than would be the case if all the printing had to be done after it was presented, that we have taken out of the very limited time given us by the Act the time that is necessary for printing. The printer is not absolutely at our beck and call, and we cannot force him to put aside other things for it. The result is that we are exceedingly driven, notwithstanding all our efforts in the endeavour to present the Account and the Report in an available shape at an early date.

465. Is it likely that on future occasions it will be possible to present the Account earlier?—We will make every endeavour to have it printed quicker, and also to expedite our part in the preparation of the Report; but it must be remembered that if we are to present the Account with the subjects in it satisfactorily dealt with, we must have the replies from the Departments in good time. At present the Departments very often keep us until the last moment in giving their replies. This year a great number of the replies from the War Office arrived in the month of January, so that even after the Account was delivered to us we were not in a position to commence our Report upon it.

466. (To Mr. White.) You are the Accountant General of the Army?—I am.

467. Can you state whether there would be any difficulty on the part of the War Office in rendering these Accounts a little earlier to the Exchequer and Audit Department, so as to enable them to provide Parliament with the Report before the time for the consideration of the Army Estimates?—I do not think it would be possible to give any promise to render the Account before the day prescribed by the Act, namely, the 31st of December; but, if I might make a suggestion, I think that both our work and that of the Audit Department would be expedited if we might be allowed to print our explanations on the Votes as we proceed, and thus render a great portion of the Account in a printed form by the 31st of December. That would partly meet the difficulty which Mr. Ryan has mentioned.

468. (To Mr. Ryan.) Would that assist the Exchequer and Audit Department?—Anything which expedited the printing would assist us, of course.

Sir Henry Selwin Ibbetson.

468*. At present the Civil Service Accounts have to be delivered by the end of November?—Yes, by the 30th of November.

469. At what time are the Navy Accounts delivered now?—According to the Act they should be delivered at the same time as the Civil Service Accounts, but in consequence of a representation made by the Accountant General of the Navy before this Committee, some years ago, that they found it impossible to do their work in a quicker time than the Army, they have hitherto presented theirs at the same time as the Army, thereby, of course, lessening the time at the disposal of the Comptroller and Auditor General.

470. Practically that has very much brought about the block which causes the delay in the printing, has it not?—I think it has, because the

Sir Henry Selwin Ibbetson—continued.

printer has two very voluminous accounts placed in his hands at the same time, instead of the one following the other.

471. If it was possible that the Act could be complied with, with regard to the Navy Accounts, you would only have the Army Accounts to deal with when they came in, and therefore you would get on quicker?—Yes.

Chairman.

472. Probably you will be able to get on with your work better when full accommodation is provided for your staff at the War Office?—Yes, we shall, as regards the detailed examination, but that will not affect the Report upon the Appropriation Account. In fact, I am afraid that the questions raised by the detailed examination will only make it still more difficult for us to comply with the requirements of the Act as regards the Appropriation Account.

473. Is the accommodation yet provided?—Yes, the accommodation has now been provided.

474. Is it sufficient for the purpose?—Yes.

On Paragraph 3.

CODIFIED STATEMENT OF AUTHORITIES.

475. (To Mr. White.) The Comptroller and Auditor General states that he has "been furnished with the first volume of Revised Army Regulations, containing Parts I. and II., Pay and Non-effective Pay;" but that he has not "received the Regulations for Army Allowances in a codified form;" is that likely to be furnished soon?—The regulation for each class of allowances is distinct in itself, and is already at the disposal of the Comptroller and Auditor General in the same way as it is at our own disposal. I think his remark merely means that he has not got all the Regulations for Allowances bound up in one volume.

476. (To Mr. Ryan.) Is that so?—The Committee will remember that when the work was first undertaken, the Comptroller and Auditor General represented the difficulty he had in ascertaining in anything like an available and compendious shape what the numerous allowances were; and he said that he had asked the War Office if they could not furnish him with any volume or any means of reference which would give him that information without his having to look through all the numerous Army Warrants and Circulars and so on, that were referred to. Mr. Milton said that he should be very glad to do it, but that it would take a great deal of time to do it. Practically we have tried to work the thing out for ourselves to a certain extent with respect to those Votes which are coming under consideration in the detailed audit.

477. (To Mr. White.) I understand that there has been a good deal done at the War Office in the course of the last year, in the way of consolidating the allowances and the regulations relating to them?—Certainly. A Subject Index is also published each year which affords a facility for referring to any particular Regulation. I may add that in the year 1878 no less than nine regulations upon leading allowances were published in this form (*holding up a book*), and two more are about to be published in two or three

ARMY APPROPRIATION ACCOUNT—*continued.*

On Paragraph 3.—Codified Statement of Authorities—*continued.*

Chairman—*continued.*

three days, leaving only four or five remaining, which, when issued in a revised form, would enable the volume to be issued as a complete set of regulations. In the meantime, we, at the War Office, are examining our accounts upon these separate regulations, which we assume the Comptroller and Auditor General can do also.

On Paragraph 4.

UNCLAIMED RESIDUES OF SOLDIERS' EFFECTS.

478. (To Mr. *Welby*.) At the conclusion of this paragraph, the Comptroller and Auditor General states: "By the Treasury letter, approving the Report of the Committee, dated 30th October 1878, their Lordships request that no warrant may be issued dealing with these funds as authorised by the Act, without further communication with the Treasury Board on the subject." I understand that the view of the Treasury is, that the "Unclaimed Residues of Soldiers' Effects" should in some shape or other be paid into the Exchequer?—The object of the request of the Treasury was rather to secure that any proposal which the War Office might approve of should be sure of receiving Treasury consideration before it was carried out. I think the view of the Treasury was, that after a long period; a portion might be paid to the Exchequer. It was with a view to forming an opinion upon the method in which the War Office would give effect to that, that that stipulation was made.

On Paragraph 5.

INTELLIGENCE DEPARTMENT.

479. (To Mr. *Ryan*.) The Comptroller and Auditor General states that, "The object of the suggestion of a separate Sub-head was, to enable my officers to ascertain that the amount authorised by the Treasury to be spent on this service had not been exceeded. It does not appear that the alteration proposed in the method of charging expenditure will provide a ready means of ascertaining the total amount of expenditure;" what would be the difficulty of ascertaining it?—The difficulty would be in following in two or three different Votes the travelling allowances of these particular officers, as to whom we do not always know quite accurately whether they are employed upon intelligence work or not.

480. I understand that it is proposed that all the expense of this Intelligence Department should be put under two votes?—Yes, under two votes. The Treasury sanctioned a particular sum to be paid for the Intelligence Department. We thought that if a particular Sub-head was opened for it, and all the sums were charged against that Sub-head, it would enable us to see whether the sum sanctioned had been exceeded or not.

481. Under what Vote could you put a Sub-head which would include both pay and travelling expenses?—Of course if it is desirable to ascertain the exact cost of a particular service, there would be no difficulty in putting travelling

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ARMY APPROPRIATION ACCOUNT—*continued.*

On Paragraph 5.—Intelligence Department—*continued.*

Chairman—*continued.*

expenses and pay in the same Sub-head, dividing them again into so much for pay and so much for travelling expenses.

482. If the whole cost of the Intelligence Department is put under two Sub-heads in two Votes, there would be no great difficulty in adding up those two Sub-heads, would there?—No, not if we knew exactly what the travelling expenses were for.

483. I understand that the proposal is, that all the travelling expenses of this department should be put under a separate Sub-head in Vote 10?—If the whole expense of the department was put under two separate Sub-heads under two votes, we should have no difficulty whatever.

484. Is not that what was suggested by the War Office?—That is not what we understood their suggestion to be.

485. (To Mr. *White*.) Is that the suggestion of the War Office or not?—Not quite; the idea of the War Office is, that the very special character of this item has now in a great measure ceased, and that the limitation by the Treasury to a distinct sum of 4,000*l.* is practically at an end; whatever pay has to be charged for the officers employed on this special duty in future will be governed by ordinary regulations applicable to officers employed at head quarters, and whatever travelling expenses they may incur under proper authority will be treated in the ordinary way, under the Travelling Vote.

486. (To Mr. *Welby*.) Is it the view of the Treasury that the special limit of 4,000 *l.* no longer attaches to this Department?—If I understand the Accountant General of the War Office rightly, the special nature of the service for which this sum was granted has ceased, and therefore the expenditure, I presume, falls under the same category as other ordinary expenditure of that kind, and will be open naturally to the Comptroller and Auditor General. In that case the question ceases. (Mr. *White*.) That is the view of the War Office.

Sir Henry T. Holland.

487. You propose to keep up a separate Intelligence Department at the War Office, do you not?—Yes, there is such a Department now.

488. You intend to keep it on as a separate Department?—Yes, quite so; but the pay and expenses now in question are for additional officers, who are employed from time to time on special duties connected with that Department as occasion arises.

489. And you do not think that the services of those special officers will be required any longer?—Their services will still be required to some extent, but probably to a diminished extent as compared with past years.

Chairman.

490. (To Mr. *Ryan*.) If the special limit of 4,000 *l.* is no longer to be in force, the objection of the Comptroller and Auditor General will no longer apply, will it?—Clearly not, if he is not required to see that that limit is observed.

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491. (To

Mr. *Welby*, C.B.,
Mr. *Ryan*, and
Mr. *White*.

26 March 1879.

Mr. Welby, C.B.,
Mr. Ryan, and
Mr. White.

26 March 1879.

ARMY APPROPRIATION ACCOUNT—*continued.*

On Paragraph 6.

COLONIAL CONTRIBUTIONS IN AID OF
MILITARY EXPENDITURE.

Chairman—continued.

491. (To Mr. White.) With regard to "No. (1), Ceylon," the Comptroller and Auditor General states that he is informed by the War Office letter of the 29th January last, that the rate of contribution by the Colony of Ceylon has not yet been fixed, but it is hoped that an early settlement may be arrived at; has any further progress been made in the settlement of that question?—Our last communication to the Colonial Office upon the particular case of Ceylon was in October last, but perhaps I may mention that on the general question of colonial contributions the Treasury wrote to the War Office after the Report of the Public Accounts Committee last year, calling special attention to the subject, and the War Office has recently replied expressing the Secretary of State's readiness to fall in with the views of the Treasury, in order to bring these contributions under the more direct control of the Treasury. I believe I may say that the Colonial Office is also in communication with the Treasury upon the subject generally, so that there is some hope of a re-arrangement of the whole matter.

492. The Comptroller and Auditor General states at the conclusion of this paragraph, "In the meantime the whole of these pensions paid by the War Office since 1874 have been charged to Vote 23 of the current year, and the Colony relieved of the sum standing to its debit. The course which has been adopted seems to be open to this objection, that there is now no record in the books of the War Office of the outstanding claim against the Colony"; is it considered that there is any outstanding claim against Ceylon, in respect of these pensions?—We cannot say that there is an outstanding claim until the main point is settled whether there is to be a claim at all; but the fact of our having paid these pensions will not be lost sight of when the final arrangement takes place.

493. Then not only has no settlement been arrived at as regards the future, but no settlement has been arrived at yet as regards the past?—With regard to these pensions, they have been charged against the Vote with the consent of the Treasury.

494. They have been charged against the Vote, but no decision has yet been arrived at as to whether the sum is to be claimed from Ceylon?—That is so.

Mr. Seely.

495. The War Office considers that the Colony ought to pay, I suppose?—Yes, the War Office thinks so certainly.

496. And yet they have no account in their books of what the Colony ought to pay; is that so?—We have no account because the fact of our having paid these pensions without provision for them was objected to by the Audit Office in last year's Report.

Mr. Goldney.

497. There are no more pensions likely to arise, because the whole matter is settled by the disbanding of the Ceylon regiment, is it not?—There are pensions still current.

498. But there will be no new ones?—No.

ARMY APPROPRIATION ACCOUNT—*continued.*

On Paragraph 6.—Colonial Contributions in Aid
of Military Expenditure—*continued.*

Chairman.

499. (To Mr. Welby.) Passing to Sub-section 3, "Hong Kong," the Comptroller and Auditor General says, "It appears from the printed statement above referred to that this Colony has paid a contribution of 20,000*l.* per annum since 1st January 1865. The rate was fixed by the Secretaries of State for War and the Colonies, and has received Treasury approval. Although subject to revision at the end of five years, it does not appear that the rate of contribution has been reconsidered;" is there any arrangement by which the contributions subject to revision are brought before the Treasury?—I do not think that there is any standing regulation under which the War Office is bound to bring the question before the Treasury, but as the principle on which these contributions should be made remains unsettled, it is quite impossible to give any answer upon questions of detail arising out of them.

500. As I understand it, the War Office has not benefited in any way directly by these contributions; they do not lessen the charge upon the Army Votes, but the Treasury does benefit by the receipt of these sums as miscellaneous revenue?—Yes.

501. At the same time the question has not yet been dealt with directly by the Treasury?—The whole question of these contributions has been dealt with, and frequently dealt with, by the Treasury. The difficulty has been to arrive at an understanding with the Colonial Office and the War Office as to the principle on which these Colonial contributions should be based.

502. It appears that in general the arrangements are made between the War Office and the Colonies, and receive the sanction of the Treasury?—Yes.

Sir Henry T. Holland.

503. (To Mr. White.) Has there been any application from Hong Kong to pay a less contribution, or have they been content to go on without revision?—We have no trace of any correspondence on the subject.

Chairman.

504. With regard to Sub-section 6, "The Cape and Natal," it is stated at the conclusion of the paragraph that "the Cape contributions are stated to have been paid half-yearly or yearly in arrear; while those of Natal are paid monthly in arrear;" was it a matter of agreement that those contributions should be in arrear, or are they in arrear only through laxity?—It was part of the agreement in so far that all contributions (except those at Ceylon and the Straits Settlements) are paid in arrear.

Sir Henry T. Holland.

505. From page 149 of this Paper, I gather that the last instalment from the Cape only covers a period up to the 30th of June 1876; is that so, or has there been any later instalment; you will see in the Memorandum of Extra Receipts paid into the Exchequer, "Cape of Good Hope for the period from the 1st January to the 30th June 1876, 5,000*l.*"—That is the last payment

ARMY APPROPRIATION ACCOUNT—*continued.*

On Paragraph 6.—Colonial Contributions in Aid of Military Expenditure—*continued.*

Sir Henry T. Holland—*continued.*

ment from the Cape recorded within the period of the Account.

506. Then it is more than a year in arrear?—Owing to the political difficulties and the state of war at the Cape the contribution is locally in arrear; but a further contribution was received in July 1878, which completed the payment up to June 1878.

Chairman.

507. How do you account for the fact that although the contributions from Ceylon are paid monthly in advance, there is no payment up to a later date than the 31st of March 1877, according to the memorandum on page 149?—That is the latest period of the accounts recorded in our books to 31st March 1878, but I have a note on my paper to the effect that Ceylon has paid the contribution up to September 1878.

Mr. Goldney.

508. What is the annual amount of the payment in the case of Ceylon?—£. 116,250.

509. That is the annual payment?—Yes.

Chairman.

510. This memorandum on page 149 appears to have been sent from the War Office on the 31st of December 1878, and none of these receipts on account of general staff and regimental pay, allowances and charges, are up to a later period than June 1877, except a small amount in the case of Gibraltar; perhaps you will inquire into that and inform the Committee upon the subject at their next meeting?—Yes.

Sir Henry Selwin Ibbetson.

511. (To Mr. Ryan.) If you turn to page 20 you will see there this statement under the head of "Ceylon." "In the meantime the Colony has continued to pay the contribution at the rate of 116,250 *l.* up to the 31st March 1877, but as the payment is made locally in currency, which has become much depreciated, the money received has been only at the rate of 108,500 *l.* sterling from 1st April 1877." It appears from that, that there has been an amount received from the Colony since the 1st of April 1877, but that owing to the depreciation of the currency, the money received has been at a lower rate than formerly?—Yes. I believe the explanation is this: it is paid in the first instance into the Treasury Chest in Ceylon, and used there, and then subsequently remitted as a matter of account. (Mr. White.) You will see from the heading of the memorandum on page 149 that it only includes the sums transferred quarterly by the War Office to the Exchequer.

On Paragraph 9.—Vote 1.

ALLOWANCES TO REGIMENTS OF FOOT GUARDS.

Chairman.

512. (To Mr. Ryan.) Does the Comptroller and Auditor General examine in any way into the Vote for the number of men, to see that the number is not exceeded?—No, he does not. He 0.55.

ARMY APPROPRIATION ACCOUNT—*continued.*

On Paragraph 9.—Vote 1.—Allowances to Regiments of Foot Guards—*continued.*

Chairman—*continued.*

has not hitherto in any way concerned himself with the numbers, but only with the amounts.

513. Do you consider it to be within the functions entrusted to him by Parliament to inquire into this point?—I should consider that it would fall within his functions to ascertain the facts with reference to anything that is laid down by Parliament or authorised by Parliament.

514. (To Mr. White.) The Comptroller and Auditor General states in his report that whereas the Royal Warrant of 1846 fixes the amount of allowances "in lieu of the pay of non-effective men, formerly borne upon the establishment, viz., to the Grenadier Regiment, per annum, 3,393 *l.* 15 *s.* 2 *d.*; to the Coldstream and Fusilier Regiments, each, 2,088 *l.* 9 *s.* 4 *d.* per annum; the amounts at present drawn by the regiments in respect of this allowance are," "Grenadier Guards, 3,915 *l.* 17 *s.* 6 *d.* per annum; the Coldstream and Fusilier, 2,610 *l.* 11 *s.* 8 *d.*, each, per annum." And he goes on to say that, "in answer to inquiries as to the authority for the increased amounts, I have been informed by the accounting officer that these allowances have been treated as company allowances of 130 *l.* 10 *s.* 7 *d.* per annum, and that the increase is consequent upon the addition in the year 1854 of four companies to each of the regiments in question. The wording of the Royal Warrant would hardly seem to justify the allowances being considered to be of an elastic character; they are granted to 'captains of companies collectively,' not to each captain, and would appear to be more in the nature of a regimental than of a personal allowance"; have you any explanation to offer to the Committee upon that point?—I fully admit that the wording of the Warrant of 1846 seems to justify that interpretation, but I can state that our earliest records of the history of the allowance point to its always having been a personal allowance to each captain of 130 *l.* 10 *s.* 7 *d.* The sums mentioned in the Warrant of 1846 represent the charges at that rate for the then existing establishment of 26 companies in the Grenadier regiment, and 16 companies each in the other two regiments. There was no alteration in the establishment of the regiment between 1846 and 1854. If the establishment had been reduced we certainly should not have allowed the full amount stated in the warrant, but only the 130 *l.* 10 *s.* 7 *d.* for each company. On the other hand, when the establishment was increased, the Secretary of State considered that he was obliged to deal with it according to the original intention, and to grant the personal allowance to each captain.

515. The Comptroller and Auditor General states that he has requested to be informed whether the allowances paid to the field officers and captains of the Guards in lieu of profits formerly derived from the Stock Purse Funds of their respective regiments have ever received the sanction of the Treasury, but that as yet he has received no information upon the point; has any information yet been furnished to him?—No information has been furnished to the Comptroller and Auditor General, because of the peculiar character of that

Mr. Waller, C.B.,
Mr. Ryan, and
Mr. White.

26 March 1879.

Mr. Welby, C.B.,
Mr. Ryan, and
Mr. White.

26 March 1879.

ARMY APPROPRIATION ACCOUNT—*continued.*

On Paragraph 9.—Vote 1.—Allowances to Regiments of Foot Guards—*continued.*

Chairman—continued.

that question. In fact, the whole subject is under the consideration of the Secretary of State now. It is a difficult question which involves proprietary rights and many other intricacies, and one which cannot be settled immediately.

516. I presume then that these allowances have never received the sanction of the Treasury?—They have so far received the sanction of the Treasury that they formed a part of the payment to each company of 158 *l.* 5 *s.* 6 *d.* included in the Warrant of 1846.

517. Was it within the knowledge of the Treasury that those allowances included allowances to the officers individually?—I am not aware whether it was or was not.

Mr. Goldney.

518. Where does the balance of the 158 *l.* 5 *s.* 6 *d.* go to after deducting the 92 *l.* 6 *s.* 1 *d.*, or the 78 *l.* 4 *s.* 2 *d.*, or the 80 *l.* 2 *s.* 6 *d.*?—It provides certain payments to non-commissioned officers, and in aid of the band expenses, and also the recruiting and hospital charges for the corps.

519. Are the 92 *l.* 6 *s.* 1 *d.*, the 78 *l.* 4 *s.* 2 *d.*, and the 80 *l.* 2 *s.* 6 *d.*, respectively, paid after those charges have been provided for, or to put it in another way, is the meeting the charges for the band, and for the recruiting and hospital charges the first claim, and do the officers take the balance?—Those sums are the personal emoluments which are due to the officers of the corps, and constitute a first charge upon the fund.

520. Supposing the balance of the 158 *l.* 5 *s.* 6 *d.* would not be sufficient to provide for the other charges which you mention, what is required is charged against the Vote, I suppose?—Yes.

521. So that, practically, the 158 *l.* 5 *s.* 6 *d.* would be exceeded in that case?—Yes.

Chairman.

522. At the conclusion of the paragraph the Comptroller and Auditor General states that "the rates of extra pay to non-commissioned officers differ in the several regiments of Guards, and in no case do they appear to be sanctioned by any Royal Warrant. I have applied for information on the point, but have not as yet received an answer;" how are those rates of extra pay determined?—They are determined more or less by the custom which has prevailed in the regiments from the earliest dates. They will form, of course, a part of the general inquiry.

523. The subject has not yet been in any way brought before the Treasury; it is a Departmental inquiry as I understand it?—It is a Departmental inquiry.

Paragraph 10.

HALF-PAY OF LUNATIC OFFICERS.

524. The Comptroller and Auditor General states that "the more correct plan would be to pass to the credit of Vote 4 only such amount of an officer's half-pay as may be paid out of that

ARMY APPROPRIATION ACCOUNT—*continued.*

On Paragraph 10.—Half-Pay of Lunatic Officers—*continued.*

Chairman—continued.

Vote for his maintenance, the balance being placed to his credit in a personal account. A letter has been addressed to the War Office, suggesting the adoption of this course; in reply, I have been informed that from the 1st April next, no half-pay for lunatic officers or men will be included in the Army Estimates, but that the cost of their maintenance will be provided for in Votes 19 and 23 respectively. The objection to this course would appear to be that when the cost of maintenance (as would frequently happen in the case of non-commissioned officers and men) exceeded the amount of pension, there would be an undue charge on the Pension Vote; that would be so, would it not?—It would be so.

525. What is the objection to the plan suggested by the Comptroller and Auditor General?—It is impossible to escape some anomaly in reference to this peculiar item. Hitherto the treatment of these lunatics has been a charge against Vote 4, which really is an administrative Vote for the medical service, and has never been otherwise charged with the hospital treatment of officers and men. On thinking it over it is considered to be in every respect a non-effective charge, and it is, therefore, proposed to include the cost of the maintenance as a non-effective charge instead of as a medical charge.

526. (To Mr. Welby.) What would be the opinion of the Treasury upon that point?—I understand the objection of the Comptroller and Auditor General to be, that he does not think that the State is bound to maintain a lunatic non-commissioned officer or man in excess of the rate of pension to which he would be entitled, and, therefore, this course which is taken by the War Office has the effect of granting to an individual a larger sum than by the regulations he would be entitled to.

527. (To Mr. Ryan.) Is that the objection of the Comptroller and Auditor General?—No, not exactly. The cases of the men and of the officers differ. In the case of the officers, the amount of their half-pay is in excess of their maintenance; in the case of the men it would often be the other way, that is to say, the cost of the maintenance would be in excess of the cost of the pension. The difficulty raised by the Audit Office has only been with reference to appropriation. To charge to the Pension Vote sums in excess of pensions appeared to us to be an improper course to take. On the other hand, to charge against half-pay a sum in excess of the cost of maintenance, would seem to be unfair to the officers' representatives.

528. (To Mr. White.) If this was charged against the Pension Vote, could it not be charged against a separate Sub-head so as to show it distinctly?—It could be so charged, certainly, in a future year if a separate heading is provided in the Estimates.

529. (To Mr. Ryan.) It being an expense connected with a non-effective service, would there be any objection on the part of the Comptroller and Auditor General to such a course, if it was distinctly shown on the face of the estimates by a separate Sub-head?—There would then, I think, be no objection.

530. (To

ARMY APPROPRIATION ACCOUNT—*continued.*

On Paragraph 11.

LODGING ALLOWANCES TO OFFICERS OF MILITIA.

Chairman—continued.

530. (To Mr. *White*.) The Comptroller and Auditor General states that, "it appears to be the practice to allow to officers under canvas during their annual training, one-half the usual rates of lodging money, towards the provision of furniture, but "as these officers are in receipt of field allowance, the payment to them of a lodging allowance would appear to be at variance with the provisions of the Royal Warrant of 26th April 1862, which lays down as one of the conditions entitling an officer to field allowance, that he should not be in the receipt of lodging money; have you any explanation to offer upon that point?—Yes. The ordinary Army Regulations are not, as a rule, applicable to militia officers.

531. Would this Royal Warrant not apply to Militia Officers?—No, it would not. The allowances here objected to are not really lodging allowances at all, they are allowances based upon the half rates of lodging allowance, and are granted, as the report states, in aid of the cost of furniture hire. They have been allowed since 1869 with Treasury sanction, and issued under a Militia Circular. The fact that in some few cases the regiments were put under canvas instead of being put into huts or in quarters, did not appear to make any difference in the principle of the grant, the militia officers being only called out for a few days' training in the year.

532. (To Mr. *Ryan*.) The view of the Comptroller and Auditor General was, that the Royal Warrant applied equally to those officers, and that it was really a lodging allowance?—Yes, that was his view of the case.

533. Would that view be altered by the statement we have just heard?—I am not quite sure what view would be taken with reference to the fact that these officers did or did not come within the terms of the Army Circular. I should not like to answer that question without an opportunity of looking at the documents.

534. Will you do so before our next meeting?—Yes.

535. (To Mr. *White*.) Have you any further observation to make upon the point?—Perhaps I may be allowed to explain that a complete set of Militia Regulations, quite distinct from Army Regulations, is now drafted, and will be issued very shortly; it will include this regulation which has been in practice since 1869.

On Paragraph 12.

ALLOWANCES TO CIVILIAN SUBORDINATES IN MANUFACTURING DEPARTMENTS.

536. The Comptroller and Auditor General says, "The attention of the Accounting Officer was called to the rates of personal allowance paid to certain civil subordinates employed in the manufacturing departments at Woolwich, which appeared to be in excess of the rates laid down in Article 54 of the Royal Warrant of 20th March 1872, which regulates the allowances in question. I am informed that the regulations referred to apply only to the Army, and Army Departments,"

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ARMY APPROPRIATION ACCOUNT—*continued.*On Paragraph 12.—Allowances to Civilian Subordinates in Manufacturing Departments—*contd.**Chairman—continued.*

and to civil subordinates in those departments, who are under the Mutiny Act, and that the civilians employed in the manufacturing departments are not in any of the Army Departments, and are consequently not governed by Army Regulations." Upon this I would remark that armourers and storeholders (the class of persons to whom the allowances in question are paid) are especially mentioned in Clause 54 of the Warrant to which I have referred, which provides for the allowances for civil subordinates, and there is nothing whatever in the Warrant to lead to the conclusion that it does not apply to civilians in the Manufacturing Departments"; have you any further explanation to offer upon that point?—Yes, I admit that the explanation given to the Comptroller and Auditor General is not quite so explicit as it might have been. The facts are these: When the travelling regulations of the Army were codified in 1872, it was thought that we might omit any special provision for travelling expenses of civilians, and give them the same rates as those laid down for the military subordinates of the Army. I should state that prior to this period the civilian had always been allowed special rates under the Ordnance Regulations of 1855, in fact, those very rates which are now called in question; and in consequence of the complaints that arose on the part of the civilians, who of course travelled under disadvantages as compared with the military subordinates, it was thought proper to allow them to continue to receive their former rates in the few exceptional cases, in which they were called upon to travel on the public service. The travelling regulations have now been revised, and the provision for the civilians has been omitted from the Schedule of the military subordinates.

537. Then, for the future this question will not arise?—In future it will not arise.

On Paragraph 13.

DEFENCE WORKS, CHATHAM.

538. (To Mr. *Ryan*.) The Comptroller and Auditor General states, that "In the Schedules to the several Acts granting funds for the expenses of constructing Fortifications, viz., 23 & 24 Vict. c. 109; 25 & 26 Vict. c. 78; 26 & 27 Vict. c. 80; 27 & 28 Vict. c. 109, and 28 & 29 Vict. c. 61, the sum of 500,000*l.* is inserted for 'Chatham Eastern Defences,' but this item is omitted in the Schedule to the two latest Acts, viz., 30 & 31 Vict. c. 145, and 32 & 33 Vict. c. 76." In a letter from the War Office marked K., printed on page 26, it is stated "that the Eastern Defences of Chatham were omitted in the Amended Defence Act of 1867, 28 & 29 Vict. c. 61." You will observe that in the Report it is stated that the Defences were inserted in the Act of 1867, and in the letter it is stated that they were omitted in that Act?—Our contention is that the later Fortifications Acts quoted in the Report, made no provision for these Eastern Defences, but omitted them, and also provided against their being subsequently executed without the authority of Parliament.

539. The question appears to depend upon whether

Mr. *Welby*, C.B.,
Mr. *Ryan*, and
Mr. *White*.

26 March 1879.

Mr. Welby, C.B.,
Mr. Ryan, and
Mr. White.

26 March 1879.

ARMY APPROPRIATION ACCOUNT—continued.

**On Paragraph 13.—Defence Works, Chatham
—continued.**

Chairman—continued.

whether they were omitted for the first time in the Act of 30 & 31 Vict. c. 145, or in the Act of 28 & 29 Vict. c. 61. In the Report of the Comptroller and Auditor General it is stated that they were inserted in the Act 28 & 29 Vict. c. 61, whereas in the War Office letter it is stated that they were omitted in that Act?—That is a question of fact, and I should like to look at the Act; (*after looking at the Act*), I see that the Eastern Defences were provided for in the Act 28 & 29 Vict. c. 61, "Chatham Eastern Defences, 500,000*l.* estimated cost."

540. (To Mr. White.) Have you any observation to make upon that?—Perhaps I may be allowed to explain that there is an intermediate Act between the 28 & 29 Vict. c. 61 and the 30 & 31 Vict. c. 145. In that intermediate Act, which is not referred to in the Comptroller and

ARMY APPROPRIATION ACCOUNT—continued.

**On Paragraph 13.—Defence Works, Chatham
—continued.**

Chairman—continued.

Auditor General's Report, the provision for the Eastern Defences was omitted altogether.

541. What Act was that?—The Act of the 30 Vict. c. 24; it received the Royal Assent on the 31st May 1867.

Sir Henry T. Holland.

542. Then there is an error in the letter from the War Office of February 1879, which says, "I am, however, to explain that the Eastern Defences of Chatham were omitted in the Amended Defence Act of 1867, 28 & 29 Vict. c. 61"; it ought to have run, "I am, however, to explain that the Eastern Defences of Chatham were omitted in the Act 30 Vict. c. 24"?—Yes, I think so; but may I say that Colonel Nugent is present to afford any explanation the Committee may wish to have with regard to these Acts.

Colonel CHARLES NUGENT, C.B., called in; and Examined.

Chairman.

543. You are Deputy Director of Works for Fortifications?—I am.

544. Can you offer the Committee any explanation on this point?—With reference to the statement that the Eastern Defences of Chatham were omitted for the first time in the Act 28 & 29 Vict. c. 61, I have that Act here, and also the Bill as it was introduced; you will find that in the Bill on which that Act was based they appear in Column 5, and they are left out in Column 6, which includes the revised Estimate sanctioned by that Act. When that Bill passed into an enactment they were omitted.

Sir Henry T. Holland.

545. That is not so; here is the Act that received the Royal Assent, and they are included in it—I should have said that in the Act which amends the Act of 28 & 29 Vict. they are omitted.

Chairman.

546. What is that amending Act?—It is Chapter 24 of the 30th year of Victoria.

Sir Henry T. Holland.

547. Then the War Office letter, which says that they were omitted in the Act of 28 & 29 Vict. c. 61, is incorrect?—That appears to be a wrong reference.

Sir Henry Selwin Ibbetson.

548. This would all have been avoided, would it not, if there had been a note taken of the omission in 1867?—If you look at the Bill and the Act it appears to me to be quite clear.

549. There was a change made at that time; up to that time it had been considered a part of the Defences to be constructed under the Loan, and then it was left out, as I understand, in that Act?—That is so.

550. Would it not have been properly explained by a note to that effect stating that it was left out then, and that if the works were

Sir Henry Selwin Ibbetson—continued.

done subsequently they would be done out of Army Votes?—In one of the Papers presented to Parliament upon which that Act was passed, the course which was pursued is clearly stated. I have the Parliamentary Paper here, and I can refer you to it if you wish.

Mr. Seely.

551. (To Mr. Ryan.) Is it not the contention of the Comptroller and Auditor General that this sum of 30,000*l.* has been applied without the knowledge of Parliament?—The view of the Comptroller and Auditor General is a double one. First of all, he observed that the early Acts contained this charge for the Eastern Defences of Chatham, and the later Acts, and especially the latest Act of all, omit it, and state that no money should be expended for those purposes without the sanction of Parliament. If his view is correct, and he puts it as a question of the construction of the various Acts that have come before him, this was a work undertaken without the sanction or approval of Parliament, inasmuch as the Act says that it shall not be done. And he further goes on to say, that it does not appear to him to be clearly shown in the Estimates, but in his opinion, even if it was clearly stated in the Estimates, he would still hold that the course taken was an incorrect one, inasmuch as the distinct provisions of an Act of Parliament appear to be set aside by a subsequent Vote.

Chairman.

552. The question would be, would it not, by what Act these works were excepted?—The last Act only authorises those works which were within the schedule. The Eastern Defences of Chatham were omitted in the Schedules to 30 & 31 Vict. c. 24 and 145, 32 & 33 Vict. c. 76. The view of the Audit Office is clearly set forth in the paragraph of the Report.

553. You

Colonel Nugent.

ARMY APPROPRIATION ACCOUNT—*continued.*

On Paragraph 13.—Defence Works, Chatham
—*continued.*

Sir Henry T. Holland.

553. You found that there was an error in the War Office letter, because you found that this item did appear in the Schedule to the Act 28 & 29 Vict. c. 61, but you were not aware when this paragraph was written that it had subsequently been omitted in the Act of the 30 Vict. c. 24?—That would not have affected our point. The question was not by what Act this item had been omitted, but whether there was any authority for an expenditure upon these Eastern Defences after their omission.

Chairman.

554. (To Colonel Nugent.) Have you any observation to offer upon the subject?—Our position is that the amending Act cut out the Eastern Defences of Chatham altogether, and took up the Loan upon an entirely new basis, of which those works no longer formed a portion. Subsequently, by another Act, certain works were excepted, and in the Parliamentary Paper which deals with these works it is expressly stated that if these excepted works (of which the Eastern Defences of Chatham were not one) be undertaken hereafter, they should be undertaken by means of a Vote of Parliament in the ordinary course. The exact wording is, that "the Loan shall be now finally closed," by which it was meant that, when the works then contemplated were done it should be closed, and that "any further expenditure contemplated shall be submitted to Parliament in the usual manner in the Estimates." Our contention is, that we have complied with this as regards the "excepted works," and submitted the expenditure to Parliament in the usual way.

555. The Comptroller and Auditor General states, with regard to the Eastern Defences of Chatham being "excepted works," that the only possible exception is the Chapel Bay Battery, a small work forming part of the Milford Haven Sea Defences, for which no separate estimate was given, and therefore the Chatham Eastern Defences must have been included?—Allow me further to state that there is a Parliamentary Paper which deals with the excepted works. The different works to be constructed under the Loan are, as you have seen, dealt with under different Schedules, and in the later Schedules these works are omitted. But in Return C., which specifies the excepted works, you will find that there are eight items of works to be executed in future years, namely, South Sea Battery, Purbrook Outworks, Fort Wallington, Fort Fareham, Hilsea Lines, Spike Island, Carlisle Fort, Shields for Inner Line of Sea Defences; and in the heading of this Return it says, that these are items which it is proposed to defer for consideration in the Annual Estimates of future years.

556. (To Mr. Ryan.) Was that Paper before the Comptroller and Auditor General when he made his Report?—That Paper was not brought specially before the Comptroller and Auditor General, with reference to its bearing upon the question of the excepted works, but it would not quite have met the view of the Comptroller and Auditor General even if it had been, inasmuch
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ARMY APPROPRIATION ACCOUNT—*continued.*

On Paragraph 13.—Defence Works, Chatham
—*continued.*

Mr. Welby, C.B.,
Mr. Ryan, Mr. White,
and Colonel Nugent.

26 March 1879.

Chairman—*continued.*

as the works included in Return C. are to be found in the Schedule to cap. 32 & 33 Vict. It appears to us that these eastern defences of Chatham, being excepted works, are forbidden by the 3rd section of the 32nd & 33rd Vict., which says, "No further steps shall be taken in the said excepted works without the authority of Parliament."

Sir Henry T. Holland.

557. (To Colonel Nugent.) But this is not one of the "said excepted works," because it had been taken out by the intermediate Act of the 30th Vict. c. 24?—That is exactly our point; it had ceased to form part of the loan works altogether.

558. And that Parliamentary Paper shows what were the excepted works?—Yes, under the loan.

559. Among those works these Eastern Defences of Chatham did not appear?—No, and they had not appeared in some of the previous schedules.

Chairman.

560. The Comptroller and Auditor General states at the conclusion of the paragraph, "instead, however, of the total contemplated expenditure being shown in the Parliamentary Estimates, a sum of 30,000 £ only appears, which is taken to provide 'Tools, plant, etc., for the employment of Convicts on Defence Works,' and out of this amount one of the forts is being constructed. The result is that the real cost and extent of the works proposed to be carried out is not brought to the notice of Parliament;" have you any explanation to offer on that point?—Yes. At the time these works were undertaken, it became an object with the Home Office to provide employment for the convicts, and they proposed to build a prison at any convenient place, I think in general terms, where suitable employment could be found. The then Secretary of State conceived that these eastern defence works would form suitable employment for the convicts, and they were greatly modified from the original plan, in order to adapt them for convict labour. A sum of only 30,000 £ was taken in the first instance for the tools, plant, and materials for the employment of the convicts on Fort Borstal, because it was considered that that would employ the convicts for six or seven years, and the arrangements as to convict labour might be altered in that time, but whatever was done in that way would be done for the advantage of the defence of Chatham.

561. You consider that this 30,000 £ includes all the expenditure which was really taken in hand?—It does. The prison we did not pay for; that was undertaken by the Home Office.

562. It was not absolutely omitted?—No.

563. (To Mr. Ryan.) Would that explanation meet the view of the Comptroller and Auditor General?—The view of the Comptroller and Auditor General was that the Estimates did not clearly show what was intended to be done. That was the main point to which he wished to call attention.

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564. (To

Mr. Welby, C.B.,
Mr. Ryan, Mr. White,
and Colonel Nugent.

26 March 1879.

ARMY APPROPRIATION ACCOUNT—*continued.*

On Paragraph 13.—Defence Works, Chatham
—*continued.*

Chairman—continued.

564. (To Colonel *Nugent.*) At the conclusion of the paragraph the Comptroller and Auditor General states, "Under the impression that the scheme had been abandoned, and in view of the fact that the accounts of the Defence Loan will probably be closed at no distant date, I addressed a communication to the War Office, in which I raised the question whether, under such circumstances, the lands in question should not be sold, and the proceeds credited to the loan; or if it were considered necessary to retain the land for ordinary military purposes, that the credit due to Defence Loan Funds should be provided for in Army Votes. I have been informed, in reply, that although the cost of these forts was omitted by Parliament in the Amending Act 30 Vict. c. 24, in order to provide for other services therein, the project itself has never been abandoned, and the property in question has since been retained for the erection of the works in question, which are now actually in course of construction under Army Votes;" as the work has been taken out of the Defence Loan Works, is it right in the opinion of the War Office that the cost of the land should be defrayed out of the loan?—That is the opinion of the War Office, because one would scarcely know where to stop if one once began in that way. There is a good deal of land in various places that was obtained under the Loan for Defence purposes, on part of which the fortifications stand, and the whole of which is not perhaps immediately necessary, but would in time of war be very necessary to complete the positions and to supplement those works; such is the Chatham case.

565. These lands were bought for works which are no longer sanctioned?—Yes, but when the Eastern Defences of Chatham were designedly omitted from the Fortifications Loan Act as amended, it is clear from papers in the War Office that it was intended to retain these lands, because although the permanent works were not then placed there, it was important to have land upon which in time of emergency temporary works might be placed. Such temporary works form as much a part of the scheme of defence as permanent works.

566. Should not the expenditure in connection with these lands, which was intended to be permanent, have been scheduled to the Act?—I cannot say that; I was not at the War Office when this was done.

567. (To Mr. *Welby.*) What would be the opinion of the Treasury as to charging against this Defence Loan expenditure for land taken for works no longer sanctioned?—At the time when the land was acquired it was thought to be necessary for the purposes for which the Defence Loan was created, and, therefore, there was no question about the correctness of charging the cost of the land to the Loan. Subsequently a portion of the works were abandoned, but it is stated in the reply quoted by the Comptroller and Auditor General that the project was not abandoned. That being so, it appears to me that the War Office were right, and that they were not bound to sell the land which they might require afterwards, for the purpose of carrying out works

ARMY APPROPRIATION ACCOUNT—*continued.*

On Paragraph 13.—Defence Works, Chatham
—*continued.*

Chairman—continued.

upon it, and, therefore, the charge might be left as it stands.

568. (To Colonel *Nugent.*) If I remember rightly, the Schedule to the Act stated the cost of all the Defence Works that were proposed?—It did. (Mr. *White.*) The provision for the purchase of land was distinct from that for the execution of works.

569. Was there a general provision for the purchase of land?—Yes. This Return (*producing a Paper*), which was presented to Parliament in 1867 (No. 157), gave the amount expended for the purchase of these lands; 120,261 l. was shown as the cost of the land, and that was side by side with the exclusion of the item of 500,000 l. for the defences originally intended to be constructed on that land.

570. That was at the time when the Act sanctioning the abandonment of these works was brought in?—Yes, that Return was presented to Parliament as the basis upon which the legislation was to be founded.

Sir Henry T. *Holland.*

571. That confirms the view that the land was bought generally for defences, and not solely with a view to particular works?—Yes.

Chairman.

572. (To Mr. *Ryan.*) Would not the fact of this Return being before Parliament modify the opinion of the Comptroller and Auditor General on this point?—No doubt the Comptroller and Auditor General would have modified this paragraph had he had that Return before him at the time when the Report was drawn up.

On Paragraph 14.

RAILWAY IN WOOLWICH DOCKYARD.

573. (To Mr. *Welby.*) It appears that this railway was paid for partly out of Vote 13 and partly from the Vote of Credit, and that the sum obtained from Vote 13 was procured by "postponing until 1878-79, portions of the work on two services which were estimated for in 1877-78, viz.: Work on the Narrow Gauge Railway, 2,000 l., and Extension of Railway at the Royal Gun Factories, 1,000 l." The Comptroller and Auditor General thereupon states that, "as a matter of principle, the course adopted in this case would seem to be open to objection, and opposed to the spirit and intention of the clause of the Act referred to, which clearly contemplates a surplus caused by the saving, and not the postponement of expenditure." What would be the opinion of the Treasury upon that point; is it correct to apply a surplus caused by a postponement of expenditure to meet a new expenditure?—It has never been the view of the Treasury that the interpretation of "saving" which the Comptroller and Auditor General puts upon that word in the clause in the Appropriation Act was at all the necessary interpretation. It has been a constant practice on the part of the Treasury to permit, in case of urgent works being required, a postponement of other works less urgent. If they did

ARMY APPROPRIATION ACCOUNT—*continued.*

On Paragraph 14.—Railway in Woolwich Dockyard—*continued.*

Chairman—*continued.*

did not do that, they would be obliged either to present a series of Supplementary Estimates to Parliament, or else absolutely to authorise a department to create an excess. They do not consider that they are authorised to permit an excess to be created under any circumstances, and in the event of such a case being submitted to them, they consider that they have to judge whether the work is in itself urgent and must be executed at once, or not; if so, they think it is right to consider whether any other works included in the estimate can safely or properly be postponed. Of course this power ought, according to their view, to be exercised with caution, but they would be unwilling to accept the view as broadly stated as it is by the Comptroller and Auditor General.

574. (To Mr. Ryan.) Have you anything further to add upon this point?—It is a question of the interpretation of the word "saving." If the Comptroller and Auditor General is to understand that it is within the functions of the Treasury to create "savings," by ordering the postponement of expenditure, of course he would have no objection to raise to the course which has been taken.

Mr. Seely.

575. (To Mr. Welby.) The Comptroller and Auditor General states specifically that it is "opposed to the spirit and intention of Clause 4 of the Appropriation Act?"—Yes.

576. Has the Treasury any view upon that point?—The Treasury do not agree with the Comptroller and Auditor General in that respect.

577. Will you read Clause 4 of the Appropriation Act?—"If a necessity arise for incurring expenditure not provided for in the sums appropriated to naval and military services by this Act, and which it may be detrimental to the public service to postpone, until provision can be made for it by Parliament in the usual course, each of the departments entrusted with the control over the said services shall forthwith make application in writing to the Commissioners of Her Majesty's Treasury for their authority to defray temporarily such expenditure out of any surpluses which may have been or which may be effected by the saving of expenditure upon votes within the same Department, and in such application the Department shall represent to the Commissioners of the Treasury the circumstances which may render such additional expenditure necessary, and thereupon the said Commissioners may authorise the expenditure unprovided for as aforesaid, to be temporarily defrayed out of any surpluses which may have been or which may be effected as aforesaid upon votes within the same Department."

578. Is it the opinion of the Treasury that a postponement of expenditure is to be considered a "saving," according to the meaning of that clause?—In the case of the Military or Naval Department applying to the Treasury and stating that a certain work is urgent and must be performed at once, the Treasury have to consider how the cost of that work is to be defrayed. If

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ARMY APPROPRIATION ACCOUNT—*continued.*

On Paragraph 14.—Railway in Woolwich Dockyard—*continued.*

Mr. Seely—*continued.*

they do not permit another work to be postponed, the result of it must be that they are deliberately authorising an excess upon the Vote. The Treasury do not consider that they have any right to authorise an excess beyond the amount that Parliament has granted; the consequence of that is that they have either to decide that the urgent work shall not be performed, which would be to the detriment of the public service, or they must consider with the Department whether there is any other work which can be postponed. In such a case as that, they authorise the postponement of some less pressing work. That being the case, the Treasury would argue that there is a saving upon the Vote, inasmuch as the expenditure is not incurred, and by that means a sum is liberated which can be applied to the urgent work as to which it has been represented that it would be detrimental to the public service if it was not executed.

579. I would point out to you that you have not answered my question, which was simply whether the Treasury consider that a postponement of an expenditure is a "saving," as that word is to be understood in the 4th clause of the Appropriation Act?—Yes, that would be their view.

Chairman.

580. (To Mr. White.) At the conclusion of this paragraph the Comptroller and Auditor General states, "I may add that the total expenditure on the railway in the year 1877-78 amounted to 7,342 l. 1 s. 1 d., of which sum 5,420 l. 12 s. 11 d. has been considered chargeable to the Vote of Credit for the Russo-Turkish War. It is difficult to see why one portion of this service is treated as ordinary Army expenditure, and the remainder as being incidental to the War in Europe"; have you any explanation to offer on that point?—Yes. If reference is made to the correspondence at page 38, relating to this service, it will be seen that it was practically a war service from the very first, but there was no Vote of Credit open at the time, and provision was made for it as part of the ordinary Army expenditure. But when it became necessary to expedite and conclude the work more speedily on account of the Russo-Turkish War, of course the remainder of the expenditure became fairly and reasonably, as we believe, a charge upon the Vote of Credit which was granted for such purposes.

581. When the Treasury sanction was obtained for beginning this work, and expending upon it 3,000 l., it was not expected that the whole of the work would be completed before the close of the financial year?—No; that is explained in the correspondence which is printed in this paper.

582. But subsequently it was found desirable to complete it more rapidly than had been originally intended?—Yes.

583. And it was considered that the additional sum so spent might be charged against the Vote of Credit?—Yes. I may say that there is a mistake in the figures 5,420 l. 12 s. 11 d.; because if

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Mr. Welby, C.B.,
Mr. Ryan, Mr. White,
and Colonel Nugent.

26 March 1879.

Mr. Welby, C.B.,
Mr. Ryan, Mr. White,
and Colonel Nugent.

26 March 1879.

ARMY APPROPRIATION ACCOUNT—continued.

On Paragraph 14.—Railway in Woolwich Dockyard—continued.

Chairman—continued.

you look at page 16 you will find that the right amount should be 4,555 l. 18 s. 3 d. The same item is specified again under Vote 13.

584. (To Mr. Ryan.) Would this explanation, that the additional sum required for this work in the course of the financial year was due to the pressure of the Russo-Turkish War, alter the view of the Comptroller and Auditor General?—Of course the Comptroller and Auditor General can have but a very imperfect knowledge of the reasons for charging a particular sum to a Vote of Credit, instead of charging the sum to the ordinary Votes; but whenever he finds a service provided for partly under one and partly under the other, it seems to him to be a case, at all events, to call attention to, and to require explanation.

On Paragraph 15.

BARRACKS AT THE CAPE.

585. (To Mr. White.) It appears that "the question as to whether any portion of the expenditure for this service should be borne by the Colony, is still unsettled." The last letter relating to this subject, I find, is dated October 1877; have any further steps been taken with respect to a settlement?—Not in regard to this special item; but correspondence has taken place generally upon the subject of expenditure at the Cape arising out of the state of war there; there has been correspondence both with the Colonial Office and with Sir Bartle Frere.

586. Not specially with regard to this item?—No; it is only part of the general question.

587. The Comptroller and Auditor General states that "as claims of this kind sometimes remain for a considerable time unadjusted, it would, perhaps, have been desirable, by way of keeping the matter in view, that the amount of any proposed claim should have been charged against the colony in the War Office books?"—We should have anticipated an objection to our doing that, inasmuch as the service was not provided for. (Mr. Ryan.) That was not the intention of the observation; it was simply that it should be recorded as an outstanding balance.

588. And entered in the balance sheet?—Yes; so as to come under review.

Sir Charles Mills.

589. As in the case of Ceylon?—Yes.

Chairman.

590. (To Mr. White.) Do you see any objection to that course?—None at all, when the liability of the colony shall have been determined.

On Paragraph 16.

SUBMARINE MINING ESTABLISHMENTS.

591. (To Colonel Nugent.) The Comptroller and Auditor General states; "I have called particular attention to this matter on account of the following explanation given by the Under Secretary of State in his letter to the Treasury of

ARMY APPROPRIATION ACCOUNT—continued.

On Paragraph 16.—Submarine Mining Establishments—continued.

Chairman—continued.

the 18th September 1878, as to the estimate for this work having been taken under Part II. of the Works Vote: 'The Secretary of State for War desires me, in asking the approval of the Lords Commissioners of the Treasury to the transfer to Part I., to explain that the Submarine Mining Establishment comprises a number of small structures, and that items for these structures were placed separately in Part II., so that the establishment might be completed either in consecutive years, or at such intervals as the funds at the disposal of the Secretary of State were available.' I may remark that the practice here admitted by the War Office is one open to objection, inasmuch as expenditure on a specific service of a large aggregate amount might be concealed, as in this instance, both from the knowledge of Parliament and of the Treasury, by the estimate for it being taken in a fragmentary form under Part II. of the Works Vote, instead of the total estimated cost being shown under Part I.; and I may further observe that it is not the practice of the War Office to submit the detailed items under Part II. of the Works Vote for the approval of the Treasury; have you any observations to apply to those remarks?—I should explain, that at the time of the Franco-German War a great quantity of torpedo and sub-marine mining stores were bought in a great hurry, and the store accommodation at Woolwich Dockyard was so filled with them that it became necessary to get them away to different stations. But it was more immediately necessary to get away those stores which required constant looking after, such as electrical stores; and we took at starting two or three small items in Part II. to provide for such stores at various stations. At that time we had not clearly ascertained what a submarine mining establishment was; therefore we did not really know the amount that would be required. There were stores that might have stood by themselves for years, and of course might have remained in Woolwich Dockyard. From year to year we took up a separate building in Part II., and completed the sub-marine mining establishment gradually. At first it did not appear that the whole establishment at any place would amount to more than 1,300 l. or 1,400 l., but as we went on it grew; a tramway was wanted at one place, a caretaker's quarters at another, and on winding up the largest case it amounted, taking everything together, to about 5,000 l. As regards the objection taken in the Report, we could not do a large work under Part II. in the way suggested, because it would be spread over such a number of years that it would never be completed by the time it was wanted.

592. The Comptroller and Auditor General gives the explanation afforded by the War Office Letter, from which it appears that it was the original intention to make an establishment which would cost considerably over 1,000 l., which is the limit placed upon works voted under Part II.?—Undoubtedly, it would amount to more than that if you took them altogether, but our position was that we might make a store for one purpose at a cost of 150 l. in one year, and might do

ARMY APPROPRIATION ACCOUNT—*continued.*On Paragraph 16.—Submarine Mining Establishments—*continued.**Chairman—continued.*

do nothing further at that place for several years to come. We had all the mining stores in the central store at Woolwich, but it was necessary to get some of them away because they wanted looking after, and they could not be as well looked after when they were collected in one building as they could be at separate stations.

593. (To Mr. Welby.) What is the view of the Treasury as to the way in which works of this nature should be provided for?—The Treasury quite agree with the Comptroller and Auditor General that taking consecutive Votes under a certain amount would tend to conceal from the Treasury and from Parliament the total cost of the Service; and if by accident, or in consequence of unforeseen circumstances, the War Office should find it necessary to carry on a service in consecutive years which they did not contemplate at first, the Treasury would think that they should amend the account as soon as they possibly could, and give an explanation of it.

594. (To Colonel Nugent.) Have you anything to say upon that?—That is done. For instance, if, in carrying out a couple of these items, the expenditure had amounted to more than 1,000*l.*, we should have written to the Treasury and asked them to put it into Part I.; but, as I have said, we carried out one thing and then waited. It was really necessary to get some of these stores away at once, but not necessary to remove all at the same time.

595. You have no very definite plan before you?—We had none at first; the thing grew as we went on.

596. The Comptroller and Auditor General states, "A similar case to the above is that of the Submarine Mining Establishment at Shornmeade. From a statement furnished to me by the War Office it appears that this work has been in course of construction since 1873-74, the total expenditure thereon to 31st March 1878 being 2,899 *l.*, the whole of which amount has been charged to Vote 13, Part II., 'Works and Alterations, amounting to less than 1,000 *l.* each'?"—That is quite so; but at Shornmeade it happened that we had afterwards to build a pier. If we had started on a definite plan at Shornmeade, and if we had foreseen our plan originally, it would have amounted to about 1,300 *l.*, but the fact is that we subsequently had to build a pier, and we were afterwards asked for quarters for a caretaker, which we provided. So that it is quite true that the total expenditure amounted to 2,899 *l.* at last, but it is equally true that there were two services included in that amount which were not contemplated when we first started. And if we had done it under Part I. we should have done those two extra things under Part II. afterwards.

597. I understand you to say that your original plan was estimated to cost 1,300 *l.*?—No, I say that the buildings common to all these establishments, as they afterwards developed themselves, would have amounted to that, but we were subsequently asked for other things. We started

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ARMY APPROPRIATION ACCOUNT—*continued.*On Paragraph 16.—Submarine Mining Establishments—*continued.**Chairman—continued.*

with the view of making a store for electrical instruments at a cost of 680 *l.*, and cable tanks for 160 *l.*

598. The Comptroller and Auditor General states, "The circumstances of this case were brought to my knowledge at too late a date for me to raise the question of appropriation in the Account for 1877-78, but as a further expenditure on this service occurs in 1878-79, the transfer to Part I. of the Works Vote should be made in the Account for that year"; is it the intention of the War Office to make that transfer?—Yes, an account has been opened for their service in Part I. of Vote 13 for the current year (1878-79).

On Paragraph 17.

NEW POWDER MAGAZINES ON THE MEDWAY.

599. The Comptroller and Auditor General states at the conclusion of this paragraph: "Without questioning the necessity of the expenditure referred to in connection with the erection of the new powder magazine, I have called attention to the case as one in which it appears to me that very insufficient information has been afforded in the Estimate laid before Parliament"; have you any explanation to offer on that point?—I do not see what we could have said more, except that we might have called it a Magazine Establishment, and I think perhaps we should have so called it; we explained that to the Treasury, but the terms Powder Magazine and Magazine Establishment are indifferently used.

600. What information was furnished to Parliament when the Vote was first applied for?—The Estimate is not before me, but I think it ran in words to this effect, "New Powder Magazines on the Medway."

601. With any sub-divisions?—None whatever. Parliament granted 90,000 *l.* for making them.

Mr. Seely.

602. Up to the 31st of December 1877 10,000 *l.* was expended for that object, according to the statement of the Comptroller and Auditor General, and 56,000 *l.* for other purposes, such as building permanent barracks; is that so?—That is so, but those are purposes common to all large store magazines of the kind.

Sir Henry T. Holland.

603. Is the Convict Prison which is here referred to, for the purpose of lodging the convicts while making the magazines?—Yes.

604. What is proposed to be done with it afterwards?—We provide materials to the amount of 1,900 *l.* for a temporary prison. I cannot say what is to be done with them; they will be removed, and will remain the property of the War Department after the completion of the prison.

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Mr. Welby, C.B.,
Mr. Ryan, Mr. White,
and Colonel Nugent.

26 March 1879.

Mr. Welby, C.B.,
Mr. Ryan, Mr. White,
and Colonel Nugent.

26 March 1879.

ARMY APPROPRIATION ACCOUNT—*continued.*

On Paragraph 19.

Chairman.

605. (To Mr. White.) The Comptroller and Auditor General says, "With regard to the requirements of Treasury Minute of 24th November 1870, which directs that previous Treasury sanction should be obtained in every case in which the expenditure during the financial year is beyond the estimated cost of each work under Part I., it would appear that through inadvertence the requisite sanction has not been obtained in the following instances;" has that sanction been subsequently applied for?—It has been applied for.

606. And obtained?—It has not been obtained so far as I am aware. On our first letter the Treasury raised an inquiry which we answered on the 22nd March, and I think there has been no reply from the Treasury since that date.

607. (To Mr. Welby.) Is an answer likely to be sent soon?—I was not aware that the War Office letter was before the Treasury.

On Paragraph 20.

GRATUITIES FOR LONG SERVICE.

608. The Comptroller and Auditor General states, "I have to call attention to the explanation given by the Accountant General of the War Office, as to the cause of the deficiency of 6,577 l. 13 s. on Sub-head D, 'Gratuities for Long Service and Good Conduct on Discharge,' to the effect that 'The number of men entitled to these gratuities was in excess of the calculations, and the fund realised from the fines for drunkenness has not sufficed to meet the additional expenditure.' It is not apparent in what way the deficiency in question is due to the insufficiency of the fund created by the fines for drunkenness, as the gratuities from that fund, the amount of which are regulated by Clause 3, Army Circulars, 1877, are chargeable to Sub-head E of the Vote, whereas the gratuities chargeable to Sub-head D are governed by the Royal Warrant of 14th August 1875, Clause 124, Army Circulars, 1875, and are, I apprehend, in no way dependent on the fund arising from fines for drunkenness;" can you explain that?—I think the Comptroller and Auditor General's remark is founded upon a mistake, because if it had been correct we should not have had occasion to apply to the Treasury to allow the excess on the Vote, as it will be seen by the correspondence printed at pages 86 and 87 of this Account that we were obliged to do.

609. What connection do you consider there to be between these fines for drunkenness and the gratuities for long service and good conduct on discharge?—The fines for drunkenness were in the first instance, that is, from January 1871, appropriated in aid of the expenditure under Sub-head E. That went on until 1875, and then, with the consent of the Treasury, as is shown in the correspondence printed at page 80 of the last year's Account, it was arranged to extend the appropriation of these funds to item D, and it is the excess upon item D that

ARMY APPROPRIATION ACCOUNT—*continued.*

Paragraph 20.—Gratuities for Long Service—*continued.*

Chairman—continued.

has caused us to write to the Treasury, as appears in the correspondence at pages 86 and 87.

610. (To Mr. Ryan.) Would that meet the observation of the Comptroller and Auditor General?—We did not before understand the correspondence referred to as conveying Treasury sanction to appropriate the fines for drunkenness in aid of Sub-head D. of the Vote.

On Paragraph 21.

PAY OF DEPUTY SURGEON, CHELSEA HOSPITAL.

611. (To Mr. White.) Have you any explanation to offer with respect to the rate of pay drawn by the deputy surgeon of Chelsea Hospital?—In 1869 the officer in question was appointed by the Commissioners of Chelsea Hospital to be deputy surgeon of the hospital, and he was to be granted the full pay of his army rank according to service. In 1873 all the army surgeons were converted into surgeons major, and the Secretary of State consequently decided that the pay to be granted to Dr. Ligertwood, in 1875, was that of the converted rank of surgeon major, and approved the rate of pay which had been issued by the Commissioners on that understanding.

612. (To Mr. Ryan.) Have you any further remark to make on the point?—It is a question really of the interpretation of the Royal Warrant, which did not appear to us to be clear.

On Paragraph 22.

PENSIONS OF MEN FORMERLY IN THE SERVICE OF THE EAST INDIA COMPANY.

613. (To Mr. White.) The Comptroller and Auditor General calls attention to the fact that the "capitalised sum agreed to be paid by the Indian Government was 244,238 l. 17 s. 7 d.," on account of pensions payable by India in respect of men admitted to the Pension List prior to 1st April 1870, and states that, "it does not appear that the arrangement in question was ever brought to the knowledge of Parliament by a note on the War Office Estimates, but it would seem to be important that this should have been done, as the effect of transactions of this nature is to swell the miscellaneous revenue of one year at the expense of an annual charge upon Votes of Parliament"; Parliament was not in any way informed of this arrangement, was it?—Not very specially, because the principle of capitalisation was not a new one, but the report upon which that capitalisation was founded was sent to the Treasury in November 1876.

614. (To Mr. Welby.) Would it not, in the opinion of the Treasury, be desirable that Parliament should be informed of such an arrangement?—Certainly. I should say by a note attached to the Estimate.

615. At the conclusion of this paragraph the Comptroller and Auditor General states, "I caused

ARMY APPROPRIATION ACCOUNT—*continued.*

Paragraph 22.—Pensions of Men formerly in the Service of the East India Company—*continued.*

Chairman—*continued.*

caused a letter to be addressed to the War Office on the 31st December last, asking for information as to the circumstances which have led to the payments of sums due to the Imperial Government so far back as the year 1874, being so long deferred, and in reply, am informed by the Secretary of State for War, 'That as the adjustment of the charges for Indian non-effective Services has always been effected directly between the Lords Commissioners of Her Majesty's Treasury and the India Office, their Lordships are doubtless in a position to state the cause of the delay in the settlement of the balance of 44,238 *l.* 7 *s.* 7 *d.* due to Imperial Funds.' On receipt of this reply I communicated with the Treasury, asking to be furnished with any information their Lordships might possess as to the cause of the delay in the settlement, but as yet have not been favoured with a reply to my letter;" have you any information to give to the Committee on that point?—It is perfectly true that the War Office forwarded to the Treasury a Statement of the capitalized amount as fixed by the actuaries of the War Office and the India Office at the date mentioned, but they added to the claim a statement that they considered that, owing to the delay which had taken place in forwarding this claim, the India Office ought to pay interest. Upon that a difference of opinion arose, and a considerable time elapsed before an arrangement could be arrived at between the War Office and the India Office upon the point. That necessarily involved a delay in the final adjustment of the account. As the settlement of that point could not invalidate the claim itself or affect the payment of the total sum, the India Office agreed to pay over a certain sum on account from year to year, which sum has been paid over. At the present moment the claim for interest has been withdrawn with the assent of the Treasury, and the payment of the final balance, I believe, either is made, or will very shortly be made.

Mr. Seely.

616. (To *Mr. White.*) May I ask what is the annual charge for the pensions approximately?—There are 1,801 pensioners, of whom 161 were excluded, leaving 1,640 whose pensions represent a charge to India of 22,521 *l.* a year.

617. When was that?—This was the report of the actuaries in 1877.

618. (To *Mr. Ryan.*) Has the Comptroller and Auditor General received any reply to his letter yet?—A reply was received on the 24th March to the effect already stated by *Mr. Welby.*

619. (To *Mr. Welby.*) How does it happen that such a delay has taken place in answering the question put by the Comptroller and Auditor General?—The Comptroller and Auditor General's letter was addressed to the War Office.

Chairman.

620. (To *Mr. Ryan.*) We have not the date of the communication from the Audit Office to the Treasury?—That was the 16th of January. (*Mr. Welby.*) The date of the Audit Office letter, being the 16th January alters the case rather, 0.55.

ARMY APPROPRIATION ACCOUNT—*continued.*

Paragraph 22.—Pensions of Men formerly in the Service of the East India Company—*continued.*

Chairman—*continued.*

but I think I ought to state that it is only very recently that the withdrawal of the claim to interest has been settled, which finished the question.

On Paragraph 26.—VOTE OF CREDIT.

621. (To *Mr. White.*) It appears that the entire amount of expenditure charged against the Vote of Credit is 1,311,390 *l.* 13 *s.* 11 *d.*?—Yes.

622. But by paragraph 25, it appears that the amount received out of the Vote of Credit was 1,540,000 *l.*?—Yes.

623. Is it to be considered that the Vote of Credit is applicable to expenditure which cannot be classified against the several War Office Votes?—Not in an ordinary way, certainly.

624. (To *Mr. Welby.*) What is the opinion of the Treasury upon this point, as to taking money from the Vote of Credit, on behalf of the Army Estimates which cannot be classified, and, indeed, cannot be pointed out in the accounts?—The fact of the matter is, that supposing there had been no Vote of Credit at all, there would have been a deficiency on Army Votes of something under 100,000 *l.*, and no doubt to that extent the Vote of Credit has been used to meet that deficit. The charge was so made at the time, and we did not understand the Comptroller and Auditor General to object to the account as rendered.

625. I wish to know whether, in view of the Treasury, the Vote of Credit is applicable to meet deficiencies on ordinary Army Votes?—No, I think not, in ordinary circumstances.

626. On page 163 the whole of the extra expenditure occasioned by the Russo-Turkish War is stated, under different Sub-heads, amounting to 1,311,390 *l.* 13 *s.* 11 *d.*; is it, in your opinion, in accordance with the rules which regulate expenditure that the Vote of Credit should be applicable to meet expenditure beyond the sums voted by Parliament?—The alternative would be to have taken an excess Vote for a sum amounting to about 93,000 *l.*, and to surrender a larger amount out of the Vote of Credit. I think it is not at all clear that that ought not to have been the course adopted.

627. (To *Mr. White.*) Have you anything further to state upon the subject?—Yes; I should wish to state that, although the items, which amount to 1,311,390 *l.* 13 *s.* 11 *d.*, were the only items which could be distinctly marked against the Vote of Credit at the date at which it was available, it will be seen by reference to page 61 that indirectly about 74,000 *l.* was appropriated in that way; that is to say, there were available clothing stores which would have been sold to the Government of India, but in the emergency they were put into the General Army Stores, and therefore the apparent deficiency of 93,663 *l.* 8 *s.* 4 *d.* at page 163 would have been reduced by 74,000 *l.*, because there would have been 74,000 *l.* more received for the sale of clothing to India.

628. That

*Mr. Welby, C.B.,
Mr. Ryan, Mr. White,
and Colonel Nugent.*

26 March 1879.

Mr. Welby, C.B.,
Mr. Ryan, Mr. White,
and Colonel Nugent.

ARMY APPROPRIATION ACCOUNT—*continued.*

Paragraph 26.—Vote of Credit—*continued.*

26 March 1878.

Chairman—continued.

628. That would have diminished the amount of the excess?—Yes.

629. But still there would have been an excess upon the Army Votes?—Yes, an excess of between 20,000 *l.* and 25,000 *l.*

630. (To Mr. Ryan.) What is the opinion of the Comptroller and Auditor General upon this point; how far does he consider the Vote of Credit applicable to meet deficiencies on the ordinary Army Votes?—The opinion of the Comptroller and Auditor General would be that all expenditure which is properly chargeable to ordinary Votes should be charged to ordinary Votes, and that the Vote of Credit is intended to meet extraordinary expenditure incurred under peculiar circumstances. At the same time, it is impossible for the Comptroller and Auditor General to state distinctly what are the extraordinary expenses incurred in consequence of a particular state of circumstances, and therefore he can exercise no real supervision over the expenditure, which is stated to have been rendered necessary by a particular state of circumstances.

631. Does he consider that this Vote of Credit is applicable to meet expenditure beyond that which is shown by the Department itself to have been incurred for the purposes for which the Vote of Credit was voted?—I should say certainly not, at the same time the Comptroller and Auditor General could not well raise an objection to any particular expenditure being charged against the Vote of Credit, because he has not the means of forming an opinion as to what should actually be charged to it; and it has been the practice hitherto with regard to Votes of Credit practically to issue to the Department the sum which is necessary to make their Votes even and quit; that is to say, to replace what other expenditure they have incurred. (Mr. White.) May I explain that we formed the best estimate we could at the time that we should spend up to 1,540,000 *l.*, and that until all the accounts of that year were examined and recorded in our books we really could not say with accuracy how much we fell short of it.

632. But now that the accounts are wound up, you are able to state accurately the amount of extra expenditure caused by the Russo-Turkish war?—Yes, it is stated at page 163, so far as it has been possible to identify the charges with the exception previously referred to as the Clothing Stores.

Sir Charles Mills.

633. Except the 74,000 *l.*?—Yes, the 74,000 *l.* was spent in clothing intended for India, but taken by us in consequence of the Russo-Turkish war.

Sir Henry T. Holland.

634. There is an explanation given in a note to the Appropriation Account of the Vote of Credit, showing how the sum taken from the Vote of Credit has been handed over for Army purposes?—Yes. (Mr. Ryan.) The Army Appropriation Account itself shows it.

ARMY APPROPRIATION ACCOUNT—*continued.*

Paragraph 26.—Vote of Credit—*continued.*

Chairman.

635. (To Mr. Welby.) At the conclusion of this paragraph the Comptroller and Auditor General states, "Under Vote 13 will be observed a charge of 47,386 *l.* for shields, &c." As the shields and armour plates are for the protection of forts erected out of Defence Loan Funds, it appears to me to be in continuation of a service which has been going on for many years, and which may be supposed to have been provided for under the Act 23 & 24 Vict. c. 109, and subsequent Acts. I, therefore, communicated with the War Office on the subject, and have been informed that the armour-plates and shields were for the inner line of sea defences scheduled in the statement of Fortifications presented to the House of Commons, dated 13th July 1869 (Return C.) as an item deferred for consideration in the Estimates of future years;—was this done with the knowledge of the Treasury?—I am not aware; I have not seen any correspondence upon the subject.

636. Would the Treasury consider the Vote of Credit properly applicable to such a purpose?—I should not be able to answer that question without seeing the correspondence.

637. (To Colonel Nugent.) Can you state the circumstances under which the Vote of Credit was so applied?—Yes; it was considered at the time that in the event of war being declared, it was very necessary to place the dockyards in a state of immediate defence, so as to release the Fleet for operations elsewhere, and this formed the most ready means for doing so. I believe reference was made unofficially to the Treasury, when the money was taken under the Vote of Credit.

638. These were excepted works which were not to be continued without the authority of Parliament, as is explained in paragraph 13 of the Report of the Comptroller and Auditor General?—Yes, without the authority of Parliament, obtained in the usual manner. All the works charged on the Vote of Credit, as far as Vote 13 went, were works which in the ordinary course would have been submitted to Parliament in the annual Estimates, and executed by means of Parliamentary Votes. These works were only executed out of the Vote of Credit, because the case was emergent, and the time for submitting them to Parliament had passed by.

639. (To Mr. Ryan.) What is the opinion of the Comptroller and Auditor General as to the applicability of the Vote of Credit to this purpose?—If the Comptroller and Auditor General had thought that these works clearly came within the meaning and intention of the Vote of Credit he would have raised no question at all, but it appeared to him that this was, in fact, a continuation of an old service otherwise provided for, and as it was not clear to him that it came within the meaning and intention of the Vote of Credit he called attention to the point. (Colonel Nugent.) Perhaps I may be allowed to say that in the view of the War Office it was not an old service otherwise provided for, it was simply a question of doing in a time of hurry what would otherwise have been done under Parliamentary Estimates in the ordinary way.

640. The

ARMY APPROPRIATION ACCOUNT—*continued.*Paragraph 26.—Vote of Credit—*continued.**Chairman—continued.*

640. The works would not be provided for out of the Defence Loan Fund?—No, not at all.

641. The works would have been provided for in the ordinary way out of Parliamentary Estimates?—Yes; they are scheduled so in the Parliamentary Paper I have previously quoted.

On Paragraph 27.

EXTENSION OF TEST EXAMINATION TO MANUFACTURING AND STORE ACCOUNTS OF THE ARMY.

642. (To Mr. Welby.) The Comptroller and Auditor General states, that he has communicated with the Treasury with respect to extending the Test Examination to the Manufacturing and Store Accounts of the Army; has the Treasury replied to that communication?—No, it has not. The importance of the question thus raised by the Comptroller and Auditor General has not escaped the attention of the Treasury, and they have had the question under their consideration during the year in connection with the Committee, which, as the Committee on Public Accounts is aware, is sitting upon Extra Receipts. But the question which the Comptroller and Auditor General raises here is one of so special a nature that the Treasury have felt that they cannot deal with it except after very great consideration. Before dealing with this question they are anxious to see the examination of the Appropriation Accounts of the Votes granted for the Army and Navy thoroughly complete. They do not think that that examination is at the present moment complete, because the Comptroller and Auditor General is only now put into possession of the accommodation which is necessary for him to apply the Test Audit which they look upon as the complement of the present system of examination. That is the reason why they have not up to the present moment dealt with that proposal of the Comptroller and Auditor General. The whole question of the examination of the Store Accounts is a very large one, and one which, as I said before, requires a very great amount of consideration. This paragraph opens up an entirely new subject, as to whether the Comptroller and Auditor General is to undertake the examination of Store Accounts, and whether he would be in a position to deal with the difficulties that would be raised in connection with them. That is a matter for very mature consideration. The only thing I would add is, that the whole matter is at present under the consideration of the Treasury with a view to ascertain what is practicable upon the subject, and what would be the best way of informing Parliament of the state of the Store Accounts at the close of the year.

643. (To Mr. Ryan.) What is the view of the Comptroller and Auditor General; is it that there should be an examination as to the quantities of stores, or their values, or what?—I think, so far as the Comptroller and Auditor General is able to form any opinion at all upon accounts which he has not had access to in any shape, it is that it would be desirable that Parliament should

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ARMY APPROPRIATION ACCOUNT—*continued.*On Paragraph 27.—Extension of Test Examination to Manufacturing and Store Accounts of the Army—*continued.**Chairman—continued.*

have some statement before it, checked to a certain extent by an authority acting on its behalf, as to the value and quantity, in some rough shape, of the stores which form the possession of the nation in connection with the Army and Navy. At present there is no statement at all accessible either to Parliament, or I might even say to the Services themselves, as to what the quantities of stores are, whether they are serviceable or whether they are useless, and what their approximate value might possibly come to. We quite admit that it is a very large question, and the view of the Comptroller and Auditor General was to deal with it exceedingly tentatively, but he wished to obtain for his own information, before he ventured upon making any proposal at all, some knowledge of what the stores really amounted to, and what could be done in the way of an examination.

644. There would be some difficulty, would there not, with regard to the value of the stores, because the value must vary from year to year?—Yes, the whole thing, of course, could be only approximate.

Mr. Goldney.

645. Did the Comptroller and Auditor General refer at all to the Report of the Committee on the Purchase of Stores by Government Departments; it was a Committee of this House, which sat some four or five years ago?—No. The Comptroller and Auditor General does not at present feel himself authorised to undertake any duty in connection with this matter. It is not within his functions as prescribed by the Exchequer and Audit Act, unless he is directed to do so by the Treasury.

646. I quite understand that, but you were speaking of the Comptroller and Auditor General making some suggestions, and obtaining some information upon the subject, and I ask with a view to making those suggestions, has he referred to the Report of the Committee of this House on the Purchase of Stores by Government Departments?—He has not yet come to any definite conclusions at all; the question is at present only in a very tentative condition. The Comptroller and Auditor General felt that it was not his duty to allow so large an amount of valuable property to remain without bringing the fact under the notice of Parliament; that, as his Department is at present constituted, and under the existing arrangement, he has no check at all upon it.

Mr. Seely.

647. (To Mr. Welby.) The Treasury letter of the 20th June 1876 says, that "The Comptroller and Auditor General will doubtless wish to have an opportunity of considering this last point" (that is the "application of an independent check to the expenditure incurred in the manufacture of stores and on the execution of new buildings and repairs") "and for ascertaining by actual test how far an independent check upon work executed by the permanent paid staff of a department is practicable." It appears to me from that

D 2

Mr. Welby, C.B.,
Mr. Ryan, Mr. White,
and Colonel Nugent.

26 March 1879.

Mr. Welby, C.B.,
Mr. Ryan, Mr. White,
and Colonel Nugent.

26 March 1879.

ARMY APPROPRIATION ACCOUNT—continued.

On Paragraph 27.—Extension of Test Examination to Manufacturing and Store Accounts of the Army—continued.

Mr. Seely—continued.

that paragraph that at that date the Treasury contemplated some such examination as that which the Comptroller and Auditor General now thinks had better be undertaken; is that so?—No. The Treasury, in their letter of the 20th June 1876, requesting the Comptroller and Auditor General to undertake a test examination of the Army Votes had to point out what occurred to them as the form of examination which the test should take, and if a reference is made to that minute it will be seen that they pointed out that the Parliamentary Votes might be divided between personnel and materiel. They point out that the examination of the pay and allowances, and so forth, which might be classed under “personnel,” was comparatively simple, but they stated to the Comptroller and Auditor General that when he came to examine into the money laid out upon the purchase of stores, or upon the erection of buildings, there would be much difficulty. The idea then in their minds was that the examination would cease with the receipt of the stores, we will say, into warehouse of the department. The Comptroller and Auditor General in this paragraph wishes to extend it into what the Treasury consider a different matter, namely, the issue of the stores from that warehouse. The examination which it was proposed that the Comptroller and Auditor General should undertake was confined merely to the expenditure of money out of the Army Votes. The Comptroller and Auditor General would like, at the same time, to extend his examination to the manner in which the stores acquired by money out of the Army Votes have been used. The Treasury are anxious that those two questions shall not be mixed up, and while they admit the importance of the point raised by the Comptroller and Auditor General, they wish for time to consider in what form Parliament should learn how the Stores acquired by the Departments have been disposed of.

Chairman.

648. (To Mr. White.) In the Naval and Civil Service Accounts, the Supplementary Estimates are distinguished from the ordinary Estimates; would there be any difficulty in showing in the Army Accounts, in like manner, the Supplementary Estimates distinct from the ordinary Votes?—None at all; in fact a Supplementary Estimate for 150,000 £. is shown in these accounts.

649. Where?—On page 4.

650. Is not that applicable to the Vote of Credit?—No, that was a Supplementary Vote.

651. If I am not mistaken, there have been also Supplementary Estimates apart from Votes, to make good the deficiency on the preceding year?—If so, they were included in the Appropriation Act, which is quoted in the headings at the top of the page.

ARMY APPROPRIATION ACCOUNT—continued.

On Paragraph 27.—Extension of Test Examination to Manufacturing and Store Accounts of the Army—continued.

Chairman—continued.

652. What I want to know is whether there would be any difficulty in the case of the Army Accounts in doing what is done in the case of the Navy Accounts, and the Civil Service Accounts, namely, placing under the particular Votes the ordinary Votes, and any Supplementary Votes that may have been granted?—No difficulty whatever. We merely copy the Schedule of the Appropriation Act, which shows in detail the Supplementary Estimates under each vote.

653. (To Mr. Ryan.) There are various explanatory papers appended to this Account showing the details of the charges; are those papers submitted to the Comptroller and Auditor General?—Those papers come to the Comptroller and Auditor General with the Appropriation Account. All that the Comptroller and Auditor General does is to see they are carefully looked through, and if any one of the explanations, or anything in the correspondence appears to him to be obviously incorrect, or to distinctly require notice for any reason, he notices it, but he by no means guarantees the accuracy of anything which he does not take exception to, or to which he does not call attention. They are the explanations of the Department itself, and given under the authority of the Department; they are not corroborated or certified by the Comptroller and Auditor General as correct.

654. But if, in the course of his examination, he were to observe any decided error, would he call attention to it?—He would do so now, but I may state that it has not been the practice of the Department to consider that any portion of these accounts, except the Appropriation Account itself, was really before the Exchequer and Audit Department. Even the balance sheet has until recently been considered as not before our Department. Since he has undertaken the detailed test audit the Comptroller and Auditor General has felt that he has far greater responsibility with regard to the Army and Navy Accounts than he had previously, and he will now extend his examination further. At the same time it must not be taken that he certifies as correct everything that is submitted to him, for he has not the means of doing so.

655. May we take it for granted that the explanatory papers are generally correct?—That I should say might be taken upon the authority of the Department itself.

656. They have passed under the attention of the Comptroller and Auditor General?—Yes, they have been brought under the attention of the Comptroller and Auditor General, and there has been nothing in them *prima facie* to attract his notice.

[Mr. White and Colonel Nugent withdrew.]

CONSOLIDATED FUND ACCOUNT.

Chairman—continued.

657. (To Mr. *Welby*.) With regard to the other charges on the Consolidated Fund, on page 6 of this Account, I wish to ask when the payment to the Incumbent of St. Paul's, at Portarlington, became illegal?—Some time ago apparently, because it must have become illegal when the French congregation at Portarlington ceased to exist.

658. And the French congregation has ceased to exist for some years?—I believe so.

659. The Comptroller and Auditor General states that "There is also included a sum of 77,448 *l.* 11 *s.* 2 *d.* issued from the Exchequer to the Governor and Company of the Bank of England, for the half-year's interest, etc., of the Imperial Ottoman Loan of 1855," and he adds that "No portion of the sum issued has, up to the present time, been received from the French Government, but the following sums have since been repaid, viz., 1,144 *l.* 11 *s.* 2 *d.*, on the 29th March 1878, by the Bank of England, in respect of charges of management over-issued; and 30,700 *l.* on the 5th July 1878 from the Egyptian Government;" has any application been made to the French Government for their share of this sum?—I ought, perhaps, to explain the fact that the French Government has been informed of what has taken place from the commencement. When the Turkish Government made default in February 1878, and when its attention was called to the fact of its default, it directed the Khedive to pay out of the tribute due from Egypt to the Porte the amount of this interest, and the Khedive paid a portion of it, as will be seen; but the balance of 45,000 *l.* has been outstanding; the Khedive, I believe I am right in saying, acknowledging his liability.

660. For the whole?—No, for the balance.

Mr. Goldney.

661. For the difference between 30,000 *l.* and 77,448 *l.* 11 *s.* 2 *d.*?—Yes, less 1,144 *l.* 11 *s.* 2 *d.* The consequence is that the Khedive now owes about 45,000 *l.*, and of course the Treasury knowing that that debt was acknowledged have been in expectation of receiving the payment, and they were unwilling to apply to the French Government to repay a moiety of the sum when it was very probable that shortly afterwards they would only have had to hand it back again. However it having been outstanding more than a year, and there not being an immediate prospect of receiving it, the Treasury represented the facts to the Foreign Office, and requested them to communicate with the French Government to ask for the payment of their moiety.

Sir Charles Mills.

662. Has the amount which has become due since been received; there have been two coupons due since then?—The Turkish Government provided the coupon in August; if I remember right no advance was necessary in that case, but it has made default in respect of the coupon due on the 1st February 1879, with the exception of 15,000 *l.*

0.55.

Sir Charles Mills—continued.

663. But the deficiency that we are dealing with is for February 1877?—No, the 1st February 1878.

664. (To Mr. *Ryan*.) Then the date given in the Report must be wrong, for it says, "The Porte having failed to provide for the interest and sinking fund due on the 1st February 1877"?—That is a misprint. (Mr. *Welby*.) It should be the 1st February 1878. The Porte provided a sum of 15,000 *l.* towards the coupon which was due on the 1st February 1879, and under old standing arrangements the Khedive should have provided something like 30,000 *l.* for that, but the latter sum has not been provided, and the consequence is that the difference between 15,000 *l.* and 76,000 *l.*, that is about 60,000 *l.*, is outstanding at the present moment, and application has been made to the French Government for their moiety of it.

665. Does that include the amount due on the 1st February 1879?—Yes, my last remarks refer entirely to the sum due in February 1879.

Chairman.

666. Then the sum you have mentioned in your last remarks is in addition to the sum owing in respect of the coupon due on the 1st February 1878?—Yes.

667. With regard to colonial docks, the Comptroller and Auditor General states, "As no particulars or accounts of the sums advanced under the Act referred to" (that is the 28th & 29th Vict. c. 106) "have been sent to this Department, the correctness of the sums repaid cannot be verified"; have you any observation to make upon that?—An account was forwarded to the Comptroller and Auditor General in February which will probably have satisfied him on those points. (Mr. *Ryan*.) I am not aware that we have received any such account. (Mr. *Welby*.) The papers are all marked as despatched, but I will easily clear up that difference, and if the Comptroller and Auditor General has not received the account, the Treasury are quite prepared to furnish the particulars. It is in accordance with the policy they have carried out in other cases to put the Comptroller and Auditor General in possession of all the facts.

668. With respect to Loans for Drainage of Lands Accounts, the Comptroller and Auditor General states that: "In the Report upon this Account for the year 1876-77, it was stated that the correctness of the sums received in respect of the West India Islands Relief Commissioners, and the Loans for Drainage could not be ascertained, as no accounts of these services were rendered to" the Audit Office; is that so?—That is the case, but the Account of the West India Islands Relief Commissioners is practically wound up. A Bill is now prepared which will very shortly be introduced into Parliament, remitting a number of irrecoverable debts which have hitherto been charged against the islands. When Parliament has assented to the remission of those irrecoverable debts, there will remain a small sum which is in course of regular recovery from

D 3

Mr. *Welby*, C.B., and
Mr. *Ryan*.

26 March 1879.

Mr. Welby, C.B., and
Mr. Ryan.

CONSOLIDATED FUND ACCOUNT—*continued.*

26 March 1879.

Chairman—continued.

from one or two of the islands. Any information that the Comptroller and Auditor General requires upon these will be placed at his disposal, but, practically, the account is wound up. With regard to the Drainage Account, the advances under that head are also practically at an end. There is only a very small sum available. The re-payments are effected through the Commissioners of Inland Revenue, and the Treasury will enter into communication with the Commissioners of Inland Revenue, with a view to seeing whether they cannot arrange to give such particulars as will satisfy the Comptroller and Auditor General.

669. It appears that the interest upon the Temporary Advances "amounted to 10,835 *l.* 12 *s.*, and forms part of the sum of 104,212 *l.* 19 *s.* 10 *d.* issued in respect of the Interest of Exchequer Bills, &c., and is included in the permanent charge of Debt." I presume that has been included in the permanent charge of debt in accordance with the provisions of the Sinking Fund Act of 1875?—Yes.

670. (To Mr. Ryan.) Upon the Public Works Loan Account the Comptroller and Auditor General states that: "Copies of the Reports to the Treasury of the results of the examination of the Accounts for the years 1876-77 and 1877-78 are annexed," and from those Accounts it appears that there are very considerable amounts of arrears of interest; could the Comptroller and Auditor General, without difficulty, add to his Report the amounts of interest so in arrear?—Yes. (Mr. Welby.) The amount of interest in arrear is always stated in the Finance Account.

671. The Comptroller and Auditor General states, "The advances by way of loan are, in the first instance, made from the cash balances of the Exchequer, replenished when necessary by the issue of Exchequer Bills, Treasury Bills, and Exchequer Bonds, under the authority of various Acts of Parliament. It will be clear, however, that when any portion of these advances is remitted, the losses that thus arise necessarily become final expenditure from the Consolidated Fund, and cease to be loans. No provision, however, has been made in any Act for charging the Consolidated Fund with these losses, and they cannot, therefore, be included in the account of that Fund. It seems to me to be worthy of serious consideration, whether, in order to be in accordance with the stricter regulations which now govern financial procedure, some distinct Parliamentary authority should not be given for this expenditure, either by Vote or by Resolution;" have the Treasury considered that subject?—The suggestion of the Comptroller and Auditor General is worthy of serious consideration; it used to be the practice to give the Treasury the power of remitting a great number of loans if they proved to be irrecoverable, merely by a Treasury Minute. In 1875, when the Public Works Loans Consolidation Act was passed, the Chancellor of the Exchequer came to the conclusion that that power was one which ought to be reserved to Parliament, and a provision to that effect was accordingly introduced into that Act, and the same clause was, if I recollect rightly, extended to an Act which was afterwards passed affecting public works in Ireland.

CONSOLIDATED FUND ACCOUNT—*continued.*

Chairman—continued.

Several remissions have taken place within the last few years, and those have, I believe, been invariably done by Act of Parliament. I understand that the Comptroller and Auditor General thinks that that is not sufficient, and he would like that, in some form or other, a special resolution should be submitted to the House of Commons authorising the remission. The form of any such resolution would have to be very carefully considered, because it would be very easy to bring great complication into the financial arrangements of the year. If you had to vote and repay to the Exchequer balances several hundred thousand pounds on account of an old loan, it would interfere very much with the form in which the financial statement of the year would be made. But the Treasury quite admit that the subject is deserving of consideration, and they will consider the form in which it should be done, and they will endeavour, if they can, to devise a means which would not be open to the objection to which I alluded, but which will enable the House of Commons to exercise its control.

672. When once the old loans have been dealt with, would it not be desirable that for the future any losses from these loans should be met by a vote, like any other expenditure in the course of the year?—I will point out one mode in which, unless care is taken as to the form, the voting of this money as expenditure would have an unlooked for effect. One effect that it might have would be to destroy the old Sinking Fund. I only give that as an instance, showing that care must be taken with regard to the form. These advances are made in the first place out of balances in the Exchequer, and if the people to whom we lend money do not pay it back, the money to replace what was lent must be found by the State. That money must be voted as expenditure, and the amount so voted would appear on the other side of the account, not as revenue, but as a simple repayment to the balances, and the effect would be that a fictitious deficit would be created.

Mr. Goldney.

673. But when the sums were written off would they not come into the Exchequer and be available to meet the expenditure?—Yes, you must repay the money into the Exchequer Balances whence the advance was originally made. Therefore, supposing the amount remitted had been 500,000 *l.*, you would have a vote for 500,000 *l.* on one side, and no corresponding receipt of revenue on the other.

674. Then the remission would be treated as expenditure?—Yes.

675. In the case of an Act which was passed a few years ago, the Epping Forest Act, there was a large sum remitted in respect of a church or drainage, or for something of that kind; what was done there?—That Act merely authorised the Treasury to write the sum off in their books.

676. You made a new payment then from the current sums Voted, and that came into the Treasury balances to recoup the Exchequer balances for those remitted sums?—No, we did nothing at all; we only wrote it off as a bad debt; that is what the Act authorised.

677. You

CONSOLIDATED FUND ACCOUNT—*continued.*

Sir Charles Mills.

677. You do not credit the amount to any other account, you merely write it off?—That is all.

Chairman.

678. (To Mr. *Ryan.*) Have you any observation to make on this subject?—No, we quite understand that it requires to be carefully dealt with. The Comptroller and Auditor General does not recommend simply a Vote; a Resolution would be sufficient for his purpose as long as the financial effect was shown to the House. He says that, because in some of these cases the remissions have been by private Acts.

Mr. Goldney.

679. (To Mr. *Welby.*) I wish to call your attention to the other outstanding balances which the Comptroller and Auditor General says he has reported upon several times; are those, as well as the others, under your consideration with regard to their being remitted or enforced?—The whole of them are under the consideration of the Treasury at the present moment. There are bills now in draft which will wipe off, after the most careful consideration with the departments concerned, the whole of those debts which are really irrecoverable.

680. Then all those which the Comptroller and Auditor General has specifically referred to, either have been or will be under your considera-

CONSOLIDATED FUND ACCOUNT—*continued.*

Mr. Goldney—continued.

tion?—Yes, every one of them. We hope at the close, practically, of this financial year, every outstanding debt which is really irrecoverable will be wiped off.

Chairman.

681. Upon the Public Works Loan (Ireland) Account, the Comptroller and Auditor General says, "It was stated in the Report upon this Account for the year 1876-77, that no Account had been rendered to this Department in respect of Loans granted for Public Works (Ireland), as directed by the 15th Section of the Public Works Loan (Ireland) Act (40 & 41 Vict. c. 27); this Department is in correspondence with the Treasury and the Board of Works (Ireland) as to the form of Account to be rendered in pursuance of this Section"; is it likely that the form of the Account to be rendered in future will be settled soon?—We have a Report from the Comptroller and Auditor General under consideration at the present moment upon the proposals which the Treasury made to him. I am not in a position to say when we shall be able to settle the form of Account, but I have no reason to say that it will not be settled within a reasonable time.

682. It has been under consideration for some time, has it not?—Yes, it has.

[The Witnesses withdrew.]

*Mr. Welby, C.B., and
Mr. Ryan.*

26 March 1879.

Wednesday, 23rd April 1879.

MEMBERS PRESENT:

Lord Frederick Cavendish.
Sir Walter Barttelot.
Mr. Thomson Hankey.
Sir Henry T. Holland.

Mr. Seely.
Sir Henry Selwin Ibbetson.
Mr. Shaw.

LORD FREDERICK CAVENDISH, IN THE CHAIR.

CIVIL SERVICE APPROPRIATION ACCOUNTS.

CLASS II.

On Vote 5.—FOREIGN OFFICE.

Mr. REGINALD EARLE WELBY, C.B., and Mr. CHARLES LISTER RYAN, called in; and further Examined.

Mr. Welby, C.B., and
Mr. Ryan.

23 April 1879.

Chairman.

683. (To Mr. Welby.) Has any decision yet been arrived at with respect to the appointment of the Assistant Under Secretary of State at the Foreign Office?—No; no decision has yet been arrived at.

684. Is it likely that a decision will be arrived at soon?—I am not able to say at present how long it will be before a decision is come to. There are one or two points connected with it which are under discussion, and the principle of which is not yet settled.

Sir Henry T. Holland.

685. Those observations apply to the Colonial Office as well?—Yes.

CLASS IV.

On Vote 2.—SCIENCE AND ART DEPARTMENT FOR THE UNITED KINGDOM.

Chairman.

686. With respect to the professors' fees of the Science and Art Department, have you any

Chairman—continued.

further information to give to the Committee?—I have made inquiry upon that subject, and I find that there has been some misapprehension between the Science and Art Department, and the Treasury upon that point. The Treasury had never contemplated a Committee to inquire into those fees, and therefore they are not aware of any reason why there should have been any delay in submitting the question for Treasury approval.

CLASS V.

On Vote 1.—DIPLOMATIC SERVICES.

687. The Treasury has arrived at a decision with respect to the Vote against which Sir Arnold Kemball's allowance is to be charged?—The Treasury have decided that question. The correspondence has been handed in to the Committee, and is now in print in the Appendix.

NAVY APPROPRIATION ACCOUNT.

Chairman—continued.

688. (To Mr. Ryan.) Has any communication been received by the Exchequer and Audit Department from the Admiralty with regard to the advances and repayments referred to in paragraph 33 of the Report of the Comptroller and

Chairman—continued.

Auditor General?—A communication has been received with reference to the particular head under which these sums are to be charged, but the correspondence is not yet concluded.

ARMY APPROPRIATION ACCOUNT.

Mr. Welby, C.B., and
Mr. Ryan.

23 April 1879.

On Paragraph 11.

Chairman—continued.

689. Have you any further information to give the Committee with regard to the question of the allowances of officers of militia referred to in this paragraph?—Yes. The Royal Warrant of the 26th of April 1862 only applies till the 27th March 1868, as it is cancelled by a Royal Warrant of that date which gives a discretion to the Secretary of State to authorise the concurrent issue of field and lodging allowances; consequently the Secretary of State, having the power to sanction this concurrent issue, our point has been satisfied.

690. I believe you wish to correct your answer to Question 572 with respect to the East Chatham Defences?—Yes; the question which was asked me was whether the Comptroller and Auditor General's view would not have been modified had he had before him a Parliamentary Paper which Colonel Nugent was producing to the Committee. That Paper was produced by Colonel Nugent in order to show what, in his view, were the expected works; but I, under a misapprehension, thought that it also contained some reference to or some intimation of the fact that it was intended hereafter to defray the expense of the Eastern Defences of Chatham from voted monies. I consequently stated that had the Comptroller and Auditor General been aware of any such Paper contain-

Chairman—continued.

ing such information it would have affected the point of his observation. A subsequent reference to that Paper shows that it has no such intimation contained in it, and so far from not having been before the Comptroller and Auditor General, it is actually quoted in his Report a few pages further on. The point of the Comptroller and Auditor General's observation was, that a work which had been advisedly abandoned in the year 1869 should not have been resumed under such a heading as that given in the Estimates, "Tools, Plant, and Materials for Employment of Convicts on Defence Works," without some specific information being afforded to Parliament, or some specific authority being granted, either by means of the Estimates or by some other mode.

691. (To Mr. Welby.) Can you hand in to the Committee a memorandum giving the history of the applications of surpluses to meet deficiencies in the Army and Navy Estimates?—A memorandum has been prepared in the Treasury to serve as a clue to the different Committees which have inquired into this subject, and to assist those who have to deal with the question, in their references to the different documents. That memorandum I am prepared to hand in. (*The same was handed in.*)

WAR OFFICE (CHARGES DEFRAIDED ON ACCOUNT OF INDIA)
APPROPRIATION ACCOUNT.

Mr. WILLIAM H. WHITE, called in; and further Examined.

Chairman—continued.

692. (To Mr. Ryan.) In paragraph 4 the Comptroller and Auditor General states that, "As regards the first question, viz., the deficit shown upon the Account presented last year, I have to observe that this is in no way affected by the provisions of the Treasury Minute; as in any case the adjustment between the Imperial and Indian Governments cannot affect the question of re-payment of the amount advanced from War Office balances; this sum must be equally refunded to the War Office, whatever form the settlement between the Indian and Imperial Governments may take, and therefore there would seem to be no longer any reason for deferring the Excess Vote." In his Report last year the Comptroller and Auditor General stated that, "From the Statement annexed to the Appropriation Account it will be seen that the total amount claimed by the War Office in respect of these charges from the 1st April 1870 to the 31st March 1877, amounts to 685,050 l. 3 s. 3 d., being 15,050 l. 3 s. 3 d. in excess of the sum voted by Parliament; but this amount is necessarily subject to adjustment after the examination of the War Office claim by the Auditor of the Home Accounts of the Government of India; and it would follow that if the objection of the India Department to any sum is substantiated and admitted, this amount would, as an Army Service not chargeable to India, be properly admissible 0.55.

Chairman—continued.

against the first open Army Vote;" how do you reconcile those two statements; do you consider that the India Office has admitted these claims against it, and that the claim has been subsequently remitted?—I should say that the intervening circumstances which happened completely cancelled the statement made in the Report of last year. The statement made in the Report of last year was based upon the assumption that the then prevailing principle would be continued, that there would be an ascertainment of what the exact expenditure had been, whether the sums actually spent had really been spent for India, and consequently ought to be claimed from India, or whether some of them had not really been spent for India, and consequently, although charged to the Account of India in the War Office books, were really sums expended on account of War Office services, in which case they should be charged against the War Office Votes; but when it was decided to abandon any attempt to ascertain the amounts actually expended for India or for the War Office, then the sum due to the War Office balances must be placed to the War Office balances; because, as the case now stands, there is to be no investigation; it is an abandonment of a claim. No payment is to be made by India; the sum claimed from India is simply remitted.

693. Of course repayment must be made to the War Office balances, but are you clear that
E it

Mr. White.

Mr. Welby, C.B.,
Mr. Ryan, and
Mr. White.

23 April 1879.

WAR OFFICE (Charges defrayed on account of India) Appropriation Account—*continued.*

Chairman—*continued.*

it is right that the repayment should be made from this Vote?—It is so far clear that, as this is not ascertained to be the actual balance arrived at after an examination of the accounts of the expenditure, it remains in the form of an outstanding charge for an advance from the War Office balances which must be met by an excess Vote.

694. What I wish to ascertain is this, not whether it must be met by an excess Vote or not, but whether it must be met by an excess Vote headed, "Charges defrayed by the War Office on account of India"?—That was the heading of the Vote on which the excess arose. The War Office advanced the money, and they must be recouped the money, either by complete settlement of the account, in which case the balance might be either one way or the other, or if the attempt to arrive at a complete settlement of the account is abandoned, it remains an outstanding charge.

695. Are you satisfied that the War Office advanced the money on account of India, and did not spend the money on any of its own services?—We cannot be satisfied of that, because it was taken *prima facie* as an advance on account of India, and there has never been any detailed examination of how this money was spent, and there will not be any, for it was to avoid the necessity of that that the Treasury Minute was passed.

Sir Henry T. Holland.

696. But the fact that this balance has been agreed upon by the Indian Government, rather shows that they are willing to admit that the money has been rightly spent for them?—If the question points to whether the Indian Government feel satisfied with the arrangement made by the Treasury Minute, they I conceive would have no hesitation in agreeing to such an arrangement, inasmuch as it is one which is clearly shown to be in their favour. It remits a sum which may be approximately stated at 150,000 £, which is claimable, though it might not all be substantiated hereafter upon a detailed examination.

Mr. Seely.

697. When you state that the sum to be remitted may be approximately stated at 150,000 £, is there not some doubt whether the sum to be remitted by the proposed arrangement is not considerably larger than that; does not the Comptroller and Auditor General in his Report point to a sum of about 390,000 £. as the most probable amount to be lost by the Imperial Exchequer through this arrangement?—The Comptroller and Auditor General guards himself in his Report from expressing any opinion as to what the exact amount is, and it could not be ascertained without the accounts undergoing that very examination which this Minute was intended to avoid the necessity of.

698. Is the question settled?—The Comptroller and Auditor General has no information of any proceedings taken subsequent to this Minute. The Treasury, probably, would be able to answer whether they consider it settled or not.

699. (To Mr. Welby.) Is the claim of the

WAR OFFICE (Charges defrayed on account of India) Appropriation Account—*continued.*

Mr. Seely—*continued.*

War Office against India now settled?—The Treasury Minute, which was laid before the Committee last year, as far as the Treasury are concerned, definitely surrendered any further claim against India. Subsequently to that, for the arrangement of future claims a Committee was appointed by the Treasury, and I have here a copy of the Minute appointing it, which I am prepared to hand in to the Committee. (*The same was handed in.*)

700. Up to what period does that arrangement settle all conflicting claims between India and the War Office?—Up to the 31st March 1879.

701. Does that refer to both non-effective and effective services?—The non-effective charge always stands upon a different footing. There has been no dispute between the India Office and the Treasury upon that point, and the account of the non-effective services is adjusted regularly from year to year after a certain interval. This arrangement simply refers to the effective charge.

702. To the charge for the effective service?—Yes.

703. Then India has paid all that she will be required to pay for the effective services up to the 31st March 1879?—Yes.

704. The Chancellor of the Exchequer estimates the probable loss to the Imperial Exchequer by that arrangement at from 100,000 £. to 150,000 £.?—Yes. It is quite impossible for him to state that, as an actual fact, without the examination which is not to take place, but on a careful investigation of the papers put forward by the War Office and by the India Office, that was the best calculation at which he could arrive.

705. Was not that estimate based upon a calculation made up to the 31st March 1877?—Yes; but he had reason to believe from the statements before him that the sum actually paid in the two ensuing years up to the 31st March 1879 would very nearly represent the actual charge, and that there would be very few claims outstanding on account of those two years in addition to the sums which India has paid over.

706. Then, in future, you expect that the claims of the War Office against India will be met by India periodically as they become due?—We have no reason to believe that the sums which the India Office will pay over to the Exchequer in the course of the year will be much less than the sums which India will owe; but at the same time I should add that the question of the principle of payment is now under the consideration of a Committee, of which Lord Northbrook is Chairman.

707. With regard to these non-effective services, has India paid the amount due on these services year by year as they become due to the War Office?—It is not possible for India to pay up to date, because the actual charge of the non-effective services undertaken by England on behalf of India cannot be ascertained until some time subsequently. We have before us now at the Treasury the final account, as settled by the actuaries of the War Office and the India Office up to the 31st March 1878, and that shows a considerable sum due from India, because the non-effective charges have been exceedingly heavy of late. There is therefore a considerable

sum

WAR OFFICE (Charges defrayed on account of India) Appropriation Account—*continued*.Mr. Seely—*continued*.

sum due now by India upon the three past years.

708. That is for the year up to 31st March 1878?—For the year up to the 31st March 1877, and for the year up to the 31st March 1878, and there is also a sum due on account of the year to the 31st March 1876. The question is in course of discussion now between the India Office and the Treasury, as to the method in which these arrears shall be settled up, and payments made to the Exchequer in the next two or three years. The fact of the matter is, the charge for the non-effective service has been so abnormally heavy upon India in the last two or three years, that India is anxious to make some arrangement by which the payment of the sum should be spread over a few years.

709. But making allowance for the necessary time that must elapse before India can ascertain what she owes to the War Office, the sums in future due by India will be paid periodically as they become due?—Subject to such an arrangement as that to which I have just been alluding. From what I have stated, that the account had been rendered up to the 31st March 1878, it is evident that the accounts are very fairly forward, and the fact of their being in arrear upon them is owing to the fact that the calls upon India have been remarkably heavy just now. These particular charges have been, as far as the War Office and the India Office have reason to believe, abnormally heavy in the last two or three years, and, therefore, there is a separate

WAR OFFICE (Charges defrayed on account of India) Appropriation Account—*continued*.Mr. Seely—*continued*.

arrangement contemplated for this abnormally heavy charge.

710. Is the Committee to understand that there is a sum of money due to the War Office for non-effective charges for the year 1875-6?—Yes; for the year 1875-6, for the year 1876-7, and for the year 1877-8.

711. There is a balance due upon each of those years?—Yes; there is a balance of the sum due upon 1875-6, and the total adjustment of the account for the year 1876-7, and for the year 1877-8.

712. There is a portion of the sum due for the year 1875-6?—Yes.

713. Is the whole amount due for the year 1876-7 unpaid?—Not the whole amount; only the difference between the estimate made for that year, as paid by India, and the amount, as finally determined by the actuaries, as owing from India to the War Office. I can state, generally, the amounts due, but perhaps you will allow me to correct the figures afterwards, if necessary.

714. Will you give us the amounts due for the years 1875-6, 1876-7, and 1877-8, respectively?—£. 93,000 is due by India for the non-effective charges on the year 1875-6. On the year 1876-7 there is an amount due of 365,000 *l.*, and on the year 1877-8 there is an amount due of 330,000 *l.*

715. And these amounts are not at all affected by the arrangement which the Chancellor of the Exchequer stated?—Not in any way.

Mr. WILLIAM MINIFIE, called in; and further Examined.

Chairman.

716. (To Mr. Minifie.) What office do you hold in the India Office?—Assistant Financial Secretary.

717. Are those sums which have just been mentioned by Mr. Welby as being due by the India Office on account of non-effective services, admitted by the India Office?—Yes.

718. (To Mr. Ryan.) On the second page of the Report of the Comptroller and Auditor General on this account it is stated, "It is necessary here to explain, that of the total expenditure of 3,302,246 *l.* 11 *s.* 8 *d.*, the sum of 2,617,196 *l.* 8 *s.* 5 *d.* has been finally charged against Army Votes, and has been subjected to the ordinary appropriation examination in force with regard to all such expenditure, but which had no reference to the liability of the Indian Government for its repayment. The remaining sum of 685,050 *l.* 3 *s.* 3 *d.* has been subjected to an examination necessarily of an imperfect character, but which, so far as it went, showed the amount to be *prima facie* properly chargeable to India, and not to have been provided for under the Army Votes." Does this mention of the imperfect character of the examination refer to the question as to whether the sum is properly payable by India or not, and has that account undergone the ordinary appropriation examination such as all other army expenditure undergoes?—It underwent examination only so far as this, that when the Appropriation Auditor at the War Office had before him these payments,

0.55.

Chairman—*continued*.

marked as chargeable to India, he passed them as chargeable to the Indian account, only looking to see that they were not such as would be ordinarily covered by Army Votes applicable to expenditure at home. It was not his business to carefully scrutinise expenditure which would afterwards be examined by the auditor to the India Office.

719. (To Mr. Minifie.) This expenditure has not undergone examination at the India Office either, has it?—No, some of the accounts were not rendered until March 1878.

720. (To Mr. White.) I understand that this expenditure has not been examined as to its correctness, either by the Comptroller and Auditor General or by the War Office?—I believe it has not been examined either by the Comptroller and Auditor General, or by the India Office.

721. (To Mr. Welby.) In what manner is it proposed to ask for Parliamentary sanction to the remission of the claim upon India?—That point will have to be considered by the Treasury. There is a preliminary difficulty in arriving at any sum of which Parliament may be asked to sanction the remission, because it is not definitely known. The conjecture of the Chancellor of the Exchequer as it has been stated was, that the actual surrender would probably amount to a sum of from 100,000 *l.* to 150,000 *l.*, but as the Chancellor of the Exchequer stated that was a conjectural amount. It would be difficult for the Treasury to ask Parliament to sanction the remission

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Mr. Welby, C.S.,
Mr. Ryan, and
Mr. White.

23 April 1879.

Mr. Minifie.

Mr. Welby, C.B.,
Mr. Ryan, Mr. White,
and Mr. Minifie.

23 April 1879.

WAR OFFICE (Charges defrayed on account of
India) Appropriation Account—*continued*

Chairman—continued.

sion of 390,000 *l.* when it has not been established that 390,000 *l.* was due to the Exchequer.

722. But it is intended to ask Parliamentary sanction to this arrangement in some form or other?—That is a question that will have to be considered by the Treasury as to the method in which the remission of it shall be regularised. I am not aware that there is any legal obligation upon the Treasury to ask the sanction of Parliament.

723. You are not able to state whether it is intended to ask Parliamentary sanction or not?—That question is under the consideration of the Treasury at the present moment.

Mr. Seely.

724. If the Treasury intend to ask the sanction of Parliament with reference to this balance, will they do it this Session?—The question having been brought by the Comptroller and Auditor General before the attention of the Public Accounts Committee, the Treasury would not arrive at a decision before they saw the Report of the Public Accounts Committee upon the question. I should think, however, that, in all probability, it would be applied for this Session. The honourable Member is aware that, as a general rule, recommendations of the Committee are dealt with by the Treasury in a Minute which they issue as soon as they can after the Committee has made its Report, and in which they deal with every point which the Committee raises. In ordinary circumstances, therefore, any action taken upon the Report of the Committee will be deferred until the close of this present financial year.

Sir Henry T. Holland.

725. The Comptroller and Auditor General says, in paragraph 6, "As regards the capitation rate, for the future, it would seem desirable that, whatever rate may be fixed, it should be accompanied by an arrangement for frequent periodical settlements of accounts, monthly, if possible, so that the expenditure audits repayment should be adjusted in the same financial year;" has a rate been fixed, or is that still under consideration?—That is under the consideration of the Committee to which I have referred.

726. The Committee of which Lord Northbrook is Chairman?—Yes.

727. Although the rate has not been fixed, do I understand you to say that the Paper which you have produced contains a proposed arrangement for the settlement of the account?—No; the Paper to which I have referred is merely the minute appointing the Committee under Lord Northbrook's presidency.

728. Then will Lord Northbrook's Committee consider what arrangement shall be made for periodical settlements of accounts?—If Lord Northbrook's Committee does not settle it, the Treasury would undoubtedly settle it, on taking the report of Lord Northbrook's Committee into consideration.

729. We may assume that it will be settled as speedily as possible, so that we may not have this disturbance of accounts for another year?—That, of course, is the object which the Treasury have in view.

Chairman.

730. (To Mr. Ryan.) I see that this report is not dated until the 10th March last, and was not

WAR OFFICE (Charges defrayed on account of
India) Appropriation Account—*continued.*

Chairman—continued.

presented to Parliament until the 25th of March; can you inform the Committee what was the cause of the delay in your making this report, as the Treasury Minute on which it is based is dated the 2nd of July 1878?—The cause of the delay was, that as it was not a report upon any Account of a Vote, and as, consequently, it was presented more as a reply to a reference than anything else, we postponed it until after the Army and Navy Accounts were disposed of.

731. But the excess of 15,050 *l.* 3 *s.* 3 *d.* would not be voted until after the Report of the Comptroller and Auditor General, and was not it desirable that that sum should have been voted in the last financial year?—I do not see that the financial year affected the question. As it had been postponed from the year before for the purpose of taking the settlement into consideration, it did not appear to be of importance into which financial year the Excess Vote came.

Mr. Seely.

732. In the 4th paragraph of the report, the Comptroller and Auditor General calls attention to two balances. There was a balance of 6,315 *l.* 0 *s.* 1 *d.*; there was another balance of 8,861 *l.* 0 *s.* 3 *d.* The Comptroller and Auditor General does not seem perfectly satisfied with the way in which this question stands. He says that, "Should it be held that the balances in question are included in the general settlement with India, it will appear that a fresh Vote will be requisite to repay the same to Army Funds from which they have been advanced;" what have you to say upon that point?—The Comptroller and Auditor General has no information beyond what is contained in the report itself. The report says that he "addressed a letter to the Secretary of State for War on the 3rd December last, requesting to be informed whether it was clearly understood as between the War Office and the India Office, that the settlement referred to in the Treasury Minute does not include the charges contained in these accounts." Then he says, "The War Office reply to this letter, dated 16th January last, gave no direct answer to my question; but I was informed that the subject of the final disposal of these balances had been submitted for the consideration of the Treasury." Therefore the Comptroller and Auditor General is not yet aware whether this particular Contingent Account is included in the settlement or not.

733. (To Mr. Welby.) Perhaps you can give some information upon that point?—The question of those two balances has been brought to the attention of the Treasury, but the Treasury have not yet arrived at a decision whether they were really within the purview of the authorities when they decided that the claims against India should be settled on the basis of the arrangement of last year. If they are able to satisfy themselves that these sums do fairly fall within that arrangement, they will then communicate with the Comptroller and Auditor General to that effect, but if it appears to them that the items constituting these balances do not properly fall within that arrangement (and there seems reason to doubt whether some of them, at

all

WAR OFFICE (Charges defrayed on account of India) Appropriation Account—*continued.*

Mr. Seely—continued.

all events, do), another arrangement will have to be made. In the meantime, the Treasury are not able to state at present the decision at which they will arrive.

734. But if they do not fall within the arrangement you speak of, will not they fall under the category of a debt due by India to the War Office?—If it is established that they are not within that arrangement, a claim will then have to be made upon the India Office, and, of course,

WAR OFFICE (Charges defrayed on account of India) Appropriation Account—*continued.*

Mr. Seely—continued.

we shall have to hear what the India Office has to say to that.

Chairman.

735. Is it likely that any early decision will be arrived at?—I think so.

736. Probably it will not be considered desirable to take an Excess Vote until that question has been decided?—I think not.

[*Mr. Minifie withdrew.*

*Mr. Welby, C.B.,
Mr. Ryan, Mr. White,
and Mr. Minifie.*

23 April 1879.

FORTIFICATIONS (DEFENCES LOAN), 1877-8, ACCOUNT.

Colonel CHARLES NUGENT, C.B., called in; and further Examined.

Chairman.

737. (To Colonel *Nugent.*) CAN you state when this Fortifications Defences Loan Account is likely to be closed?—On the 31st March 1880.

738. At that time the Treasury sanction will have to be received with respect to all excesses of expenditure under the heads which are detailed in this Account?—It will, but we shall be in a condition to get the Treasury sanction previous to that time.

739. You expect to be able to do so?—Yes, I think so.

740. How soon?—Two or three months previously. We shall close the loan this year unless something unforeseen happens.

741. And you have every reason to believe, as

Chairman—continued.

you had last year, that the total expenditure will not exceed the sum authorised?—Yes; we anticipate a saving of about 8,000 £, at present.

Mr. Thomson Hankey.

742. How have all these excesses been provided for?—They have been provided for under Treasury sanction by diminution of expenditure on other portions of the loan works.

743. Is it not proposed to take any further Vote then between this and the 31st March 1880?—We have asked the Treasury to provide the residue of the loan between this and the 31st March 1880, and that is what we are working on now.

[Colonel *Nugent* withdrew.

Colonel *Nugent*, C.B.

MILITARY FORCES LOCALISATION ACCOUNT.

Chairman.

744. (To Mr. *White.*) The question raised by the Comptroller and Auditor General in his Report upon this Account is as to the item under which these charges for the erection of militia and brigade depôts at York and Lichfield should be charged, not as to whether this expenditure should be charged against the Loan Account at all?—No; the classification of the charge is alone the question.

745. It is simply as to whether it should be under item No. 1, or item No. 2?—Yes.

746. (To Mr. *Ryan.*) There is no question as to whether this is an expenditure fairly chargeable against the Vote?—No, it is only a question of appropriation under the different heads.

Sir Walter Barttelot.

747. There was a question raised last year upon one of these loans, as to whether the Act of Parliament would permit certain appropriations amounting to a large sum at Aldershot; has that been settled with the Treasury?—The Treasury settled that question, I think, in their Minute of last September amongst the other points that were raised.

748. (To Mr. *Welby.*) Do you recollect how the Treasury settled that question?—I think it

Sir Walter Barttelot—continued.

was settled in the direction of the criticisms of the Comptroller and Auditor General.

Sir Henry T. Holland.

749. I see in the Report of this Committee of last year it was stated that as this money was not wanted for a new tactical station it was "decided to extend the War Office property at Aldershot by the purchase of certain commoners' rights for the sum of 150,000 £. It was stated to your Committee that the course which had been pursued was authorised by the Treasury," so that it seems to have been authorised then?—That was so at the time of the Report of your Committee; but the subject was taken into consideration subsequently to the Report of your Committee.

Chairman.

750. (To Mr. *White.*) It was directed by the Treasury in their Minute passed upon the Report of the Public Accounts Committee last year, that the cost of building the headquarter offices at York should be charged upon the Army Estimates, and repaid to the Military Forces Localisation Account; has that been done in this year's Estimates?—Yes.

[Mr. *White* withdrew.

Mr. Welby, C.B., and
Mr. Ryan.

23 April 1879.

CIVIL CONTINGENCIES FUND ACCOUNT.

Chairman—continued.

751. (To Mr. Welby.) Amongst the assets of the Civil Contingencies Fund there is an item under the head of "Advances outstanding Repayable from various Sources." "Dominican Government, 'Telegrafo,' 1871-72, 1872-73, and 1873-74, 14,291 l. 9 s. 8 d." It appears from the Treasury letter of the 27th January 1879, that it is possible, though not probable, that a portion of this, amounting to 5,000 l., may ultimately be recovered?—That is the present belief.

752. But there is no hope whatever of recovering the balance, exceeding 9,000 l.?—No, certainly not; the 5,000 l. is all that there is the least chance of recovering, and the recovery of that does not seem to be very probable.

753. Then is it advisable to keep this balance of 9,250 l. any longer as an asset upon this Account; would it not be better that it should be voted and repaid to the Fund?—The Treasury have held that it would be better to settle the whole question at once, and they would be prepared to state the case to Parliament, and take a Vote if the Secretary of State would tell them that he is not prepared to take any further measures. In the meantime, however, they are unwilling to surrender a claim which may possibly be enforced, because if the Dominican Government

Chairman—continued.

will not pay there still lies against them a claim for the whole amount, because they have acted upon the compromise that was made; therefore the Treasury do not wish to damage their case.

Sir Henry T. Holland.

754. It might possibly damage their case if we were at once to wipe out 9,000 l.?—Yes, certainly.

Chairman.

755. With respect to the claim against the borough of Maidenhead for the years 1874-75, and 1875-76, have you any further information to give the Committee?—In this case in which the Treasury have a claim against the borough of Maidenhead, a verdict has been taken by agreement, subject to a decision on a point of law by the court. If the decision of the court of law upon that point of law should be in favour of the Treasury, the sum will be, of course, recovered from the borough, and this account adjusted; if, on the contrary, it should be against the Treasury, then a Vote will be taken and the account will be adjusted, as a matter of course.

756. Is it likely to be decided before long?—I believe the judgment of the court upon this point of law is expected before long.

POST OFFICE TELEGRAPHS CAPITAL ACCOUNT.

Mr. GEORGE CHETWYND, called in; and Examined.

Mr. Chetwynd.

Chairman.

757. (To Mr. Welby.) CAN you inform the Committee when this Account is likely to be finally closed?—Yes; before the close of the last financial year the Treasury wrote to the Postmaster General to ask whether he would require any further advances out of the loan authorised by the Act then in force, because the power of borrowing given by the Act then in force would expire on the 31st March 1879. The Treasury at the same time informed the Postmaster General that they had in hand of the loan previously raised about 20,000 l. The Postmaster General replied that the questions pending between the Post Office and claimants were so far adjusted that there would be no necessity for him to ask for a further loan, and he added that the 20,000 l. now in hand would, as far as he could judge, more than satisfy all outstanding claims.

Chairman—continued.

758. (To Mr. Chetwynd.) Then you have every reason to believe that this Account will be closed next year?—Yes.

759. With respect to the agreement with the Glasgow and South Western Railway Company, is that matter concluded yet?—It is not quite concluded. We are now disputing with the Company over some details of the agreement.

760. But it is likely to be concluded before long?—I think so.

Sir Henry T. Holland.

761. How many arbitrations are going on now?—Not any.

[The Witness withdrew.]

Wednesday, 14th May 1879.

MEMBERS PRESENT :

Sir Walter Barttelot.
Lord Frederick Cavendish.
Mr. Cubitt.
Mr. Goldney.
Mr. Thomson Hankey.

Sir Henry Holland.
Sir John Lubbock.
Sir Charles Mills.
Mr. Seely.
Sir Henry Selwin Ibbetson.

LORD FREDERICK CAVENDISH, IN THE CHAIR.

CONSOLIDATED FUND ACCOUNT.

Mr. REGINALD EARLE WELBY, C.B., called in ; and further Examined.

Chairman.

762. HAVE the moiety of interest due on the Imperial Ottoman Loan of 1855 been received by the French Government?—The French Government in answer to the request addressed to them by the English Government, have paid over a sum of 33,011 *l.* 2 *s.* 5 *d.*, being a moiety of the balance outstanding on the two dividends of the 1st February 1878 and the 1st February 1879.

Mr. Thomson Hankey.

763. Is that the full amount?—That is the full amount due by the French Government.

Sir Charles Mills.

764. Have you received the full amount due from the Khedive of Egypt?—No. When the dividend due on the 1st February 1878 fell due, the Porte directed the Khedive to pay out of tribute moneys the sum that was then unprovided. The Khedive did not at that time comply with the directions given to him, but from time to time he has paid over certain sums, amounting in the whole to 71,300 *l.*, which the Treasury has credited to the dividend falling due on the 1st February 1878, leaving due on account of that dividend a balance of 5,179 *l.* 12 *s.* 1 *d.*

765. What I meant to ask was, have you received as much as you should receive from Egypt, because you receive a certain portion from the Customs of Constantinople?—No, I believe I

Sir Charles Mills—continued.

am right in stating that we have received nothing from the Egyptian Tribute on account of the dividend, which I understand the honourable Member to be alluding to now, namely, that which was due on the 1st February last.

766. I was not alluding to that. Of what the Treasury has received in respect of the dividend due on the 1st February 1878, a certain portion has been provided by the Tribute of Egypt, and a certain portion by Customs of Constantinople ; I want to know whether the Egyptian Government have paid all theirs, and therefore whether what remains unpaid is due from the Porte on its Customs?—No ; the 5,179 *l.* 12 *s.* 1 *d.* being the balance due on the dividend of the 1st of February 1878, we consider to be due by the Khedive under the orders given by the Porte to the Khedive in February or March of last year.

Chairman.

767. You have a memorandum fully explaining all these circumstances, I believe?—Yes, I have a memorandum which was prepared for the French Government to explain how the sum for which the Treasury presented the demand upon them was made up, namely, 33,011 *l.* 2 *s.* 5 *d.*

768. Is there any objection to handing in that memorandum?—I see no objection to putting it in. (*The same was handed in.*)

Mr. Welby, C.B.

14 May 1879.

LIST OF APPENDIX.

Appendix, No. 1.

	PAGE.
Papers handed in by Mr. Welby :	
Charges, connected with Buildings, included in other Votes than those of Class I.	43
Negotiations between the Post Office and Submarine Cable Companies :	
Letter from the Treasury to the Postmaster General, dated 1 November 1878	45
Remuneration to Professors of the Queen's Colleges in lieu of Fees Paid to the Exchequer :	
Letter from the Treasury to the Chief Secretary for Ireland, dated 21 March 1876	46
Examiners of Masters and Mates ; Mode of Providing for their Salaries :	
Treasury Minute, dated 21 March 1879	46
Remuneration of Sub-Postmasters and Receivers :	
Letter from the Treasury to the Postmaster General, dated 3 March 1879	47
Letter from the Postmaster General to the Treasury, dated 8 March 1879	47
Letter from the Treasury to the Postmaster General, dated 18 March 1879	50
Letter from the Treasury to the Comptroller and Auditor General, dated 18 March 1879	50
Letter from the Comptroller and Auditor General to the Treasury, dated 29 March 1879	50
Apportionment of Rents between the Post Office and Telegraph Votes :	
Letter from the Treasury to the Postmaster General, dated 21 February 1879	51
Letter from the Postmaster General to the Treasury, dated 3 March 1879	51
Treasury Minute, dated 22 March 1879	53
Letter from the Comptroller and Auditor General to the Treasury, dated 31 March 1879	54
Maps supplied to Landed Estates Court :	
Outstanding Balance due to Her Majesty's Exchequer on the 31st March 1878, for Maps supplied by the Ordnance Survey Department, for use in proceedings taken in the Landed Estates Court in Ireland	54
Abstract Statement dividing the said Balance according to the Number of complete Years for which the Sums composing it had been respectively outstanding on the 31st March 1878	54
Remission of Cost of Enquiry under Merchant Shipping Act :	
Letter from the Board of Trade to the Treasury.—(Referred to in Answer to Question 55).	55
Correspondence as to Charging Sir A. Campbell's Salary, as Turco-Persian Boundary Commissioner, to Army Funds :	
Letter from the Treasury to the War Office, dated 16 April 1879	55
Letter from the Treasury to the Foreign Office, dated 16 April 1879	56

Appendix, No. 2.

Papers handed in by Mr. Welby :	
Army.—Indian Home Charges :	
Treasury Minute appointing Committee to consider Basis of Charges between War Office and India Office, dated 19 February 1879	56
Application of Savings to meet Excesses on Army and Navy Votes :	
Treasury Memorandum as to Section in Appropriation Act which empowers the Treasury to authorise the Naval and Military Departments temporarily to meet Expenditure in excess of Votes by using Savings under other Votes	57

Appendix, No. 3.

Paper handed in by Mr. Ryan :

PAGE.

Memorandum as to Section in Appropriation Act, which empowers the Treasury to
authorise the Naval and Military Departments temporarily to meet Expenditure in
Excess of Votes by using Savings under other Votes - - - - - 61

Appendix, No. 4.

Paper handed in by Mr. Welby :

Treasury Control over Colonial Expenditure and Imperial Audit of Colonial Accounts :

Letter from the Colonial Office to Treasury, in reply to the Treasury Letter printed
(page 49) in the Appendix to the First Report of the Committee of Public
Accounts, dated April 1879 - - - - - 62

Appendix, No. 5.

Paper handed in by Mr. Welby :

Memorandum on the Ottoman Guaranteed Loan of 1855, prepared for the information
of the French Government - - - - - 63

A P P E N D I X.

Appendix, No. 1.

PAPERS handed in by Mr. *Welby*.

CHARGES, CONNECTED WITH BUILDINGS, INCLUDED IN OTHER VOTES THAN THOSE OF CLASS I. Appendix, No. 1.

M E M O R A N D U M.

IN his Reports on the Appropriation Accounts of Civil Service Grants for 1877-78, the Comptroller and Auditor General comments upon certain charges for rent, furniture, fittings, fuel, light, rates, taxes, or insurance being defrayed out of the Votes of the particular departments on whose behalf they are incurred, instead of out of the general Votes for such services administered by the Offices of Works in England and Ireland. In some cases he simply draws attention to the departure from ordinary practice; in one he expresses a definite opinion that "it would seem more advantageous were all charges of this nature to appear under one Vote, and be under the control of one Department;" and in another, the marginal note to his Report describes the payments as "charged to wrong Vote;" while the Report itself states, that expenditure for warming apparatus and furniture has been charged against the British Museum Establishment Vote, in Class IV., although such charges are "usually defrayed" out of the Vote for British Museum Buildings in Class I.

pp. 145, 254, 290.
p. 251.

p. 263.

The purpose of the following remarks is briefly to record the circumstances under which the Treasury has allowed these charges to be provided for in the present manner, and they must not be taken as committing the Treasury to a particular course in the future. Nor are they necessarily intended to oppose any view that may be entertained on the subject by the Comptroller and Auditor General.

VOTE 38, of CLASS II.

LOCAL GOVERNMENT BOARD, IRELAND, p. 145 of Appropriation Accounts.

The rent, rates, taxes, and insurance paid out of this Vote are those connected with the Dublin Vaccine Institution.

Parliament grants a fixed sum of 1,200*l.* per annum in aid of the gratuitous supply of vaccine lymph to the authorities of the workhouses and dispensaries in Ireland, and the administration of this grant is placed in the hands of the Irish Local Government Board, who spend part of it in the rent of depôts, part in salaries, and the rest in purchase of lymph and incidental expenses. The apportionment of the grant is not shown in the Estimate, but may vary any day, at the discretion of the Local Government Board, subject to previous Treasury approval. (Sub-Head I. of the Vote.)

It has not appeared to the Treasury desirable to divide the administration of the grant amongst different departments, which, to a certain extent, would be the result of putting the rents, &c., into the Irish Public Buildings Estimate.

VOTE 2, of CLASS IV.

SCIENCE and ART DEPARTMENT, pp. 251-4 of Appropriation Accounts.

Under an arrangement made by the Treasury in 1870, when the since-abolished appointment of Director of Works was created, the Office of Works was entrusted with the construction of permanent works and buildings for the Science and Art Department, and with the structural repair, ordinary maintenance, and internal and external painting and decoration of such buildings, except so far as the decoration might be executed by students of the Art Schools; but at the earnest solicitation of the Committee of Council on Education, the following services were left under the administration of the Science and Art Department, and are therefore provided for in the Science and Art Department Estimate, viz.:

Furnishing and fitting; warming and lighting (so far as regards the South Kensington, Bethnal Green, and Geological Museums); fixing articles on walls for exhibition; removing them and making good consequent damage to the interior of the building.

0.55.

G

There

Appendix, No. 1.

There is an evident reason for dealing with some, at least, of these services in the case of the Science and Art Department differently from the way in which the same services are dealt with in the case of ordinary departments. The officers of the Science and Art Department have the management of large exhibitions of works of industry, science, and the fine arts, requiring a considerable staff of skilled mechanics to arrange and keep them in order; and they not unnaturally desire to be allowed full control over all services that have an immediate bearing upon the success, or are essential adjuncts, of those exhibitions, the conduct of which may be regarded as one of the chief ends for which the department exists.

Ordinary departments, on the other hand, need furniture, fuel, and light, merely by the way, to enable their officers to work for ends totally unconnected with such services, and they are happy to be relieved of the trouble of providing for them.

It may be objected that the above is true of furniture and fittings, but not of fuel and light, and no doubt it is much more true of the former than of the latter. The South Kensington Museum, however, is an evening exhibition requiring peculiar devices for lighting and warming it, and the Science and Art Department seems to have feared that the Office of Works might interpose unduly if the fuel and light bills were sent to that office for payment. Possibly the fear is groundless; but the Treasury thought it prudent to give way to the Science and Art Department on the point.

The payment for insurance mentioned by the Comptroller and Auditor General is, perhaps, not out of place amongst other precautions against fire, under Sub-Head D. 6, of the Science and Art Department Vote, seeing that it is not paid on premises hired by the Office of Works but on rooms lent to the Science and Art Department rent free by the Commissioners of the Exhibition of 1851.

Rents, rates, and taxes payable on buildings permanently occupied by the Science and Art Department, were transferred from their Vote, to that for Science and Art Department Buildings, in Class I., in the Estimates for 1872-73. The rent provided for in Sub-Head F. 7, of the Science and Art Department Vote, is of a somewhat different character, being paid in respect of two furnished houses hired temporarily for officers detached, in rotation, for service at the Bethnal Green Museum, and for the accommodation of a picquet of the Royal Engineers. The charge was sanctioned by the Treasury in 1873, for so long as Sir R. Wallace's Collection remained in the Museum, and the further continuance of it was authorised in 1875. Perhaps the best reason that can be urged for keeping the rent in its present place is that it is less likely to be lost sight of by the Treasury as a separate Sub-Head in the Science and Art Department Vote than if provided for, amongst other rents, elsewhere. But, if the charge is to be permanent, it ought to be transferred to the Buildings Vote, for the sake of uniformity.

VOTE 3, of CLASS IV.

BRITISH MUSEUM, page 263 of the Appropriation Accounts.

In 1870, after very full consideration, the Treasury arranged that all new buildings at the British Museum, and all repairs of the structure, internal and external, should be undertaken by the Office of Works, and that payment of rent and the supply of fuel and light, and cleaning of chimneys, should likewise be provided for by that office.

The Trustees of the Museum would only consent to this arrangement upon the condition that the supply and repair of furniture and fittings, the cleaning of the interior of the building and of the glass, outside and in, the provision and repair of ventilating, lighting, and warming apparatus, and all other works of internal management, should be left under their direction, and provided for in their Vote. Such charges have accordingly been provided for in, and paid from, the British Museum Vote in Class IV. ever since.

The reasons for this arrangement are of the same nature as those mentioned in connection with the Science and Art Department.

VOTE 14, of CLASS IV.

PUBLIC EDUCATION, IRELAND, page 290 of the Appropriation Accounts.

The Irish Board of Works have provided, since 1857, for the new buildings and repairs, and, since 1868, for the fuel and light required by the National Education Commissioners. But those Commissioners still provide for rents in the Education Vote. This is because their Charter of Incorporation of 9 August 1845 empowers them to take and acquire lands and tenements, and to grant or take leases of premises, which are therefore hired in the name of the Commissioners, who are legally liable for the rent. The Commissioners are responsible not merely for the premises for which rent is provided in their Estimates, but for about 550 school houses vested in them at a nominal rent, payable if demanded.

Rent is a service which it requires no technical skill to pay. Nothing would be gained, besides uniformity, by transferring the charge to the Irish Works Vote, unless the agency of the Board of Works were needed in hiring the premises, and that Board undertook the legal responsibility for them that at present rests on the Commissioners.

The Treasury seems to have assumed that there is an expediency in retaining in the Education Vote all education charges for moving which no really substantive reason can be alleged, and the administration of which the National Educational Commissioners wish to keep in their own hands.

A parallel case will be found in the Irish Constabulary Vote.

GENERAL CONSIDERATIONS to be borne in mind in dealing with the foregoing Appendix, No. 1.
Questions.

(1.) A payment is charged to a Vote because provision has been made for it, by Parliament, in that Vote.

(2.) Provision is made for a particular service in the Votes of a particular Department, because the service is administered by that Department, it being a general principle that a Department which administers a service should also estimate and account for its cost.

(3.) A service is administered by one Department rather than another on various grounds of policy, economy, or convenience, not simply because it is akin to other services administered by the same Department.

(4.) The Civil Service Estimates are not framed exclusively by rule, but owe their shape, in some measure, to compromises effected by the Treasury between conflicting interests, and in part also to respect for venerable precedent.

(5.) The Treasury allows weight to the argument for uniformity, but attaches more to the plea of utility :—

e.g., in 1872, on the principle of uniformity, the Treasury transferred the charge of Broadmoor Asylum buildings to the Office of Works; and, in 1878, on grounds of economy, re-transferred the charge to the Council of Supervision.

Treasury, 26 March 1879.

NEGOTIATIONS BETWEEN THE POST OFFICE AND SUBMARINE CABLE COMPANIES.

(14,818.)

The Treasury to the Postmaster General.

My Lord,

Treasury Chambers, 1 November 1878.

1. I AM directed by the Lords Commissioners of Her Majesty's Treasury to inform you that they have read with satisfaction your letter of the 7th September on the arrangements existing between your Department and the Sub-marine Cable Companies.

2. It is now understood between your Lordship and the Treasury that the agreements with the companies are to be made in every case the subject of formal deed; that in those cases where the agreements have not received the sanction of this Board, such sanction will be obtained, and that henceforth all modifications or revisions of agreements will be submitted for the approval of the Treasury before they are finally adopted.

3. My Lords agree with your Lordship that the preparation of formal deeds may be postponed until the terms of agreement have been revised in the case of the Anglo-American Company, the Eastern Telegraph Company, the Great Northern Telegraph Company, and the Direct Spanish Telegraph Company.

4. My Lords are gratified to find that your Lordship is in entire accord with them as to the desirability of having formal deeds executed in order to give effect to the agreements entered into between the companies and the Department.

5. As regards the question of arbitration, my Lords have been anxious to put on record their dissent from the course adopted by the Department upon the acquisition of the telegraph. Transactions involving large money interests appear to have been decided by permanent officers of the Department in verbal negotiation, and practically on their own responsibility. It cannot be doubted that this method of transacting business was calculated to compromise the reputation of the Department, and indeed of the public service generally; and it is necessary to make it clear that there is no possibility of a return to such lax practice. It is a different matter, if your Lordship, in concert with this Board, endeavours, before having recourse to arbitration, to arrive at an understanding upon claims in dispute, the grounds on which concessions are made being placed on record and available in justification of the decision arrived at. I am to say that this Board will be prepared to entertain favourably your recommendations in favour of understandings made under and guarded by these conditions; while they feel sure that you disapprove equally with themselves the irregular practices to which they have alluded. They trust, therefore, that complete concert is now established between your Lordship and the Treasury upon this important point.

My Lords have sent a copy of your letter to the Controller and Auditor General, with a request that he will act upon your suggestion, and make a further inspection of the arrangements under which the examination of the telegraph companies' accounts is conducted.

To the Postmaster General.

I am, &c.
(signed) Wm. Law.

Appendix, No. 1.

REMUNERATION TO PROFESSORS OF THE QUEEN'S COLLEGES IN LIEU OF FEES PAID TO THE EXCHEQUER.

(2523—76.)

The Treasury to the Chief Secretary for Ireland.

Sir,

21 March 1876.

THE Lords Commissioners of Her Majesty's Treasury have had before them the draft Letter of Instructions to bursars of the Queen's Colleges, with regard to the fees to be collected on behalf of the Exchequer, and to the remuneration to be paid in lieu thereof to the professors, which was inclosed in Mr. Burke's letter of the 8th ultimo.

I am to state, for the information of the Lord Lieutenant, that my Lords approve of the draft instructions, and of the form of schedule appended to them.

Their Lordships understand that the bursars will not retain the fees any length of time in hand, but will in each term pay over to the professors the full amount of fees received in that term.

* * * * *

The Chief Secretary for Ireland.

I am, &c.
(signed) *R. R. W. Lingcn.*

INSTRUCTIONS TO BURSARS referred to in the above Letter.

Sir,

Dublin Castle.

REFERRING to previous correspondence relating to the superannuation of the professors of the Queen's Colleges, and to the arrangements approved by the Lords Commissioners of Her Majesty's Treasury, for dealing with the fees paid by the students, and for adjusting the payments made to the professors, and also to the Exchequer, I am directed by his Grace the Lord Lieutenant to inform you that, from and after the 1st April, a sum equal to the amount of fees received by the professors will be paid into Her Majesty's Exchequer.

The bursar will collect as usual, from the students on behalf of the professors, the class fees, and pay over the same to the several professors, at such periods as shall be appointed by the Council, taking their respective receipts upon a schedule, a blank form of which is inclosed.

The bursar is then to forward, with as little delay as possible, to the Chief Secretary's Department, the schedule, certified by the President and Registrar on behalf of the Council to be correct, as pointed out at foot of the form, and upon receipt thereof an order will be given to Her Majesty's Paymaster General to pay an equivalent amount into the Exchequer out of the Parliamentary Vote for Queen's Colleges, for which purpose requisite provision has been made in the estimate for that service, 1876-77.

EXAMINERS OF MASTERS AND MATES, MODE OF PROVIDING FOR THEIR SALARIES.

TREASURY MINUTE, dated 21st March 1879.

MY Lords read again that part of their Minute of the 25th September last, on the First and Second Reports of the Public Accounts Committee, 1878, which relates to the mode adopted by the Board of Trade, of charging the salaries of the examiners of masters and mates to monies voted by Parliament, which mode was considered by the Public Accounts Committee to involve a departure from the letter of the existing law.

My Lords, in view of this expression of the Committee, requested, in the Minute above alluded to, the Board of Trade to submit a case for the opinion of the law officers of the Crown.

My Lords have now before them a letter, dated the 26th February, from the Board of Trade, from which they learn that the case has been submitted to the law officers, who advise that the Board of Trade are justified in charging the salaries of the examiners of masters and mates to monies voted by Parliament.

In view of this opinion, my Lords consider that it is unnecessary to pursue the matter further, but they are pleased to direct that a copy of this Minute be laid before the Committee on Public Accounts; also that a copy be sent to the Comptroller and Auditor General for his information.

Let the necessary steps be taken accordingly.

REMUNERATION OF SUB-POSTMASTERS AND RECEIVERS.

(4029.)

The Treasury to the Postmaster General.

My Lord,

Treasury Chambers, 3 March 1879.

I AM directed by the Lords Commissioners of Her Majesty's Treasury to state that they are anxious that an early settlement should be arrived at with regard to the question as to the expediency of an alteration in the system of remunerating sub-postmasters and receivers, which has been noticed in several of the Reports of the Public Accounts Committee on the Appropriation Accounts of the Post Office Votes, and the consideration of which has from various causes been delayed. The question is whether or not it is desirable that sub-postmasters and receivers should be remunerated by fixed salaries.

The Comptroller and Auditor General first drew attention to this subject in 1876 (in his Report upon the Appropriation Account for the year 1874-5), and observed that the obvious effect of the present system "must necessarily be to multiply accounts and increase to a very considerable degree the labour of their examination in the Post Office itself, as well as in my department, and with consequent cost to the State"; but he added that while he had thought it proper to advert to this matter, he was bound to recognise that "it is one which involves considerations of departmental administration quite as much as the simplification and examination of accounts."

My Lords were so far disposed to agree with the view of the Comptroller and Auditor General as to entertain no doubt that the adoption of fixed rates of allowances would materially simplify the labour connected with the calculation of these allowances, and the examination of the payments, and that a material saving in the cost of this portion of the business would result. They have, however, been led to understand that in the opinion of your Lordship's principal officers there are grave objections to any general consolidation of the allowances, and that these objections entirely outweigh the apparent economy which would be effected in the Receiver and Accountant General's Branch in connection with the record and examination of the accounts.

My Lords can readily believe that the assumed advantages of the simpler method of remuneration which has been suggested only represent one side of the question, and that there may be grounds for concluding that the effect of a general change in that direction from the present system of what may be called payments by results (when applied to a large number of persons who are not in the position of permanent servants of the Department), would not be attended by any real economy in cost, nor by any increase in efficiency in the administration of the service.

With a view to arrive at a conclusion on these points, my Lords intended last year to have proposed to your Lordship that the subject should be inquired into by a Committee nominated from their own and your Lordship's Departments; but the adoption of that course has been prevented by the pressure of other business. It is needless for them to state that on such a subject they would be most unwilling to arrive at a decision that had not your Lordship's entire concurrence, and they would be prepared to institute such an inquiry at once, especially if such should be your Lordship's wish. But it may save time, and make clear the points requiring discussion, if they invite you in the first instance to favour them with a report on the subject.

Possibly this course might obviate the necessity for further inquiry; but, however that may be, I am to assure you that any observations which you may think fit to offer will receive their immediate and careful consideration.

The Postmaster General.

I am, &c.
(signed) Wm. Law.

The Postmaster General to the Treasury.

My Lords,

General Post Office, 8 March 1879.

I HAVE the honour to acknowledge the receipt of your Lordships' letter of the 3rd instant, inviting me to furnish a report upon the subject of the remuneration of sub-postmasters and letter receivers, with special reference to the question noticed in several of the Reports of the Committee on Public Accounts whether or not it is desirable that such officers should be remunerated by fixed salaries.

I beg leave accordingly to lay before you in the first place a statement of the pay and allowances now received by sub-postmasters and letter receivers in respect of the various services rendered by them to the Department, and then to submit to you the views which

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Appendix, No. 1. which I hold with regard to the expediency of continuing such methods of remuneration.

(a.) *A small fixed Salary for work connected with the receipt and disposal of Letters, Newspapers, &c.*

Scales. Sub-Postmasters.

	£.	s.
Primary salary - - - - -	3	- a year.
For each 200 letters received weekly - - - - -	1	- "
" " bag beyond one made up daily - - - - -	1	- "
" " " received daily but not made up - - - - -	-	10 "
" one or more bags made up daily for branch messenger - - - - -	1	- "
" each disturbance between 10 p.m. and 6 a.m. - - - - -	1	- "
" each quarter of an hour daily in delivery, &c. - - - - -	1	- "

(with some variations dependent upon number of hours and value of labour).

London Letter Receivers.

	£.	s.
Primary salary - - - - -	3	- a year.
For each complete 1,000 letters and book packets posted up to 5,000 (inclusive) weekly - - - - -	1	- "
For each complete 1,000 after 5,000 up to 10,000 - - - - -	2	- "
" " " 1,000 " 10,000 " 15,000 - - - - -	3	- "
" " " 1,000 " 15,000 " 20,000 - - - - -	4	- "
" " " 1,000 beyond 20,000 - - - - -	5	- "
" " seven letters (counted to nearest seven) registered weekly - - - - -	1	- "
For each daily collection above one - - - - -	1	- "
" " bag made up daily - - - - -	1	- "
" " nightly disturbance between 10 p.m. and 6 a.m. - - - - -	2	- "

Provincial Letter Receivers.

	£.	s.
Primary salary - - - - -	3	- "
For each complete 1,000 letters posted weekly - - - - -	1	- "
" " collection beyond one - - - - -	1	- "
" conveyance of bag per double mile - - - - -	3	- "

(b.) *Commission on the Issue and Payment of Money Orders.*

	£.	s.
First 500 issued in year - - - - -	2	15
Second 500 " " - - - - -	2	5
Each 1,000 after first 1,000 - - - - -	4	-
First 500 paid - - - - -	2	5
Second 500 " " - - - - -	1	15
Each 1,000 after first 1,000 - - - - -	3	-

(c.) *Commission on Savings Bank Deposits and Withdrawals.*

	£.	s.
Per 1,000 transactions - - - - -	5	- a year.

(d.) *Commission in respect of Annuity and Insurance Business.*

	£.	s.
Per 1,000 transactions - - - - -	5	- a year.

(e.) *Commission in respect of Telegraph Business.*

A penny a message, but there are fixed minimum payments of from 1 d. per message, 2 s. to 7 s. 6 d. per week, to be applied in the event of 1 d. per message not yielding a sum equal to the minimum - - - - - and 2 s. to 7 s. 6 d. per week.

(f. g. h.) *Poundage on Sale of Postage, Telegraph, and Receipt Stamps.*

Postage and Telegraph - - - - -	One per cent.
Receipt Stamps - - - - -	Two " "

(with a limitation recently authorised in certain exceptional cases).

(i.) *Commission on Issue of Inland Revenue Licenses.*

One penny per license ;
but 2 d. per license in the case of Postmasters who were also Stamp Distributors prior to the time when the Post Office commenced to issue Inland Revenue Licenses - - - - - 1 d. per license, and 2 d. per license.

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It will be seen from this statement that sub-postmasters and letter receivers are remunerated for the work they perform for the Department on a system which your Lordships have correctly termed "a system of payment by results," and it is perhaps unnecessary for me to add that the various rates of payment have from time to time, as the necessity for them arose, received the sanction of the Board of Treasury.

The calculation of these allowances and the examination of the payments naturally require the employment of a certain number of clerks in the Receiver and Accountant General's office. About eight officers are employed upon such duties, and it is probable that if a single fixed payment were substituted for all the allowances in question, the labour of several of these officers would be saved.

Against this saving must, however, be set, together with serious disadvantages both of a public and an administrative character, increased cost in other directions; points on which I beg leave to offer the following observations:

In the first place, the substitution of fixed salaries for the system of payment by results would materially interfere with the convenience of the public, and impede the efficiency of the Post Office service entrusted to sub-postmasters and letter receivers.

At present a sub-postmaster, who is almost uniformly a small tradesman, knows that every piece of business which he transacts for the department, whether it be sale of stamps, issue of money orders, receipt and payment of savings bank deposits, receipt of premium for an insurance or annuity, or other business, is attended, just as every transaction in his own private business is attended, with an increase of profits. He is consequently induced by motives of personal interest to afford every facility to the public, whether in the way of civility and attention, or in that of maintaining a sufficient supply of articles sold for the department that will lead to the extension of his post office business.

If instead of being remunerated on such a system, the sub-postmaster were to receive a fixed salary, the contrary effect would be almost inevitably produced.

Knowing that whether he transacted more or less business for the department his remuneration remained the same, he would soon begin to regard the claims made upon his time by the public as withdrawing his attention and energies from the management of his shop, and from the sale of articles which increased his income, it would be a matter of indifference to him whether, so far as post office business was concerned, he treated the public carelessly and hurriedly, or not, and he would in addition lose all inducement to maintain a proper stock of stamps, since the amount of his sales would be immaterial to his own interests. On the ground, therefore, of the efficiency of the service of the Post Office, on which so much of the convenience and comfort of the public depends, I am strongly of opinion that the present system is attended with substantial advantages which could not be afforded by the alternative plan.

In the next place, the substitution of a fixed salary for the allowances now paid would lead to very great administrative inconvenience, and consequently to a cost far exceeding that which would be saved by the abolition of a few clerkships in the Receiver and Accountant General's office.

It is, I am glad to say, still true that the amount of Post Office business increases steadily throughout the United Kingdom.

Now, a sub-postmaster, or letter receiver, whose work for the department increases almost day by day, making greater demands on his time, and withdrawing him more and more from his private business, but whose remuneration for such work remained stationary, would not be long satisfied with such a state of things, and the inevitable result would be a constant stream of applications from this large body of officers (numbering more than 12,000) for increase of pay.

These applications would, in the first instance, require investigation by the surveyors or their clerks, involving, probably, personal inspection of the duties, the taking special accounts of the various items of business, as well as of the postmaster's expenses, and always requiring a report from the Surveyor to the Secretary. On reaching the Secretary's office a further examination would be necessary, comparison with other offices coming, apparently, within the same category, and references to the Money Order and Savings Bank Departments would have to be made; and in many cases further communications with the surveyors, and replies from them, would be involved.

Finally, since no increase of salary is recommended to your Lordships, but such as have been personally examined by the Secretary, and approved by the Postmaster General, every such case must form the subject of a decision by both that officer and myself, and eventually by the Treasury.

I have of course no means of estimating accurately the additional labour and expense which would be entailed by such proceedings, but I have not the slightest doubt that it would be necessary to add very considerably to the strength both of the Surveyor's establishment and of the Secretary's office, and certainly at an expense far exceeding the amount economised in the Receiver and Accountant General's Office.

All this is saved by a system of self-adjusting payments, which is, moreover, attended by the further advantage that in those cases where it sometimes happens that owing to various circumstances the work diminishes in respect of one class or another of post-office business, the remuneration diminishes at the same time, a result which could not be attained, if the postmaster's salary were fixed, except on occurrence of a vacancy.

I ought not to omit to point out that, after all the inquiries and labours involved in adjudicating upon applications for improvement of pay, it would constantly happen that

Appendix, No. 1. the recipient would fail to be satisfied with the decision, and the consequence would be a discontented servant and an ill-served public.

It may of course be said that in cases of inefficient or unsatisfactory postmasters the Department has the remedy in its own hands, since, generally speaking, it can transfer the business to some other person; but it must be borne in mind that such action is, unless imperative, very undesirable, since it would almost always be attended with expense connected with inquiries concerning and instruction of a new officer, removal of telegraph wires, and other alterations.

Finally, I would express my strong conviction that the present system is attended with no small economical result. In the first place, if the plan of fixed salaries to cover all the services rendered to the Department were adopted, it would be impossible to start in the case of new offices with the present low rate of initial pay granted to sub-postmasters and letter receivers, a rate which is only accepted now because it is known that the other allowances will yield something additional, though it is uncertain how much. In the next place, no conversion of allowances into salary could be carried out at existing offices which did not ensure an increase of income. Whether the salary were fixed for three or five years, a postmaster would not be satisfied with a remuneration which remained stationary all the time that the duties for the performance of which it was granted were steadily increasing.

The foregoing observations will, I trust, have explained to your Lordships the grounds on which I would earnestly deprecate any alteration in the principles on which the present system is based. Should you, however, be disposed to think that the subject should be inquired into by a Committee nominated from your own Department and from the Post Office, I can have no objection to offer to the adoption of such a course.

The Lords Commissioners
of the Treasury.

I have, &c.
(signed) *John Manners.*

(4674—79.)

The Treasury to the Postmaster General.

My Lord,

Treasury Chambers, 18 March 1879.

I AM directed by the Lords Commissioners of Her Majesty's Treasury to inform you that they have taken into consideration your letter of the 8th instant on the subject of the remuneration of sub-postmasters and letter receivers.

The arguments which your Lordship adduces in support of the principle of remuneration now in force satisfy them that it would not be desirable, for both economical and administrative reasons to substitute for that principle a system of fixed salaries.

They have accordingly communicated a copy of your letter and of their Lordships' reply to the Comptroller and Auditor General, and they will cause copies also to be laid before the Public Accounts Committee with reference to the remarks offered by the Comptroller and Auditor General in his Report on the Appropriation Account of the Post Office Vote for 1876-77.

The Postmaster General.

I am, &c.
(signed) *Wm. Law.*

(4674—79.)

The Treasury to the Comptroller and Auditor General.

Sir,

Treasury Chambers, 18 March 1879.

I AM directed by the Lords Commissioners of Her Majesty's Treasury to forward to you, for your information, copies (1) of a letter which my Lords caused to be addressed to the Postmaster General, on the 3rd March last, on the subject of the remuneration of sub-postmasters and receivers; (2) of the reply of the Postmaster General thereto, dated the 8th inst., and (3) of a further letter from this Board concluding the discussion.

You will perceive that my Lords, though inclining on principle of account to concur with the views you have expressed in recent Reports on the Appropriation Accounts of the Post Office, have come to the conclusion that the economical and administrative reasons adduced by the Postmaster General in favour of the present system are of such weight that my Lords would not feel justified in over-ruling them.

I am to add that copies of the correspondence will be presented to the Public Accounts Committee at its next meeting.

The Comptroller and Auditor General.

I am, &c.
(signed) *W. Law.*

(438.)

The Comptroller and Auditor General to the Treasury.

Exchequer and Audit Department,
Somerset House, London, W.C.,

29 March 1879.

Sir,

I AM directed by the Comptroller and Auditor General to acknowledge the receipt of Mr. Law's letter of the 18th instant transmitting copies of correspondence which had passed between the Lords of the Treasury and the Postmaster General with reference to the suggestion made by the Comptroller and Auditor General in his Report on the Post Office Account for the year 1874-75, respecting the manner of remunerating sub-postmasters and London receivers.

That suggestion was made, primarily, with the view of promoting simplicity of accounts and consequent saving of time in examination. It affords the Comptroller and Auditor General satisfaction to find that their Lordships are, on principles of account, in agreement with the views expressed by him in his Reports to Parliament. At the same time, upon consideration of the Postmaster General's letter of the 8th instant, the Comptroller and Auditor General feels no difficulty in signifying his agreement with the conclusions arrived at by their Lordships that the suggestions of this Department are outweighed by the economical and administrative reasons adduced by the Postmaster General in favour of the present system of payment.

R. R. W. Lingen, Esq., C.B., Treasury.

I have, &c.
(signed) *H. Treherne.*

APPORTIONMENT OF RENTS BETWEEN THE POST OFFICE AND TELEGRAPH VOTES.

(20,661-77.)

The Treasury to the Postmaster General.

My Lord,

Treasury Chambers, 21 February 1879.

I AM directed by the Lords Commissioners of Her Majesty's Treasury to call your Lordship's attention to previous correspondence between the Treasury and your Department on the remarks made by the Public Accounts Committee on the apportionment of rents between Post Office and Telegraph Accounts:

I am to point out that the Comptroller and Auditor General has again reported that no settlement has been effected, and that as the Public Accounts Committee are about to sit, they will before long require information as to what has been done in the matter.

I am to say that my Lords, looking at it as a matter of correct account, are unable to see how the present system can be defended, and they have therefore brought the case again before you for your Lordship's further consideration.

The Postmaster General.

I am, &c.
(signed) *Wm. Law.*

(31,976.)

The Postmaster General to the Treasury.

My Lords,

General Post Office, 3 March 1879.

I HAVE the honour to acknowledge the receipt of your Lordship's letter of the 21st instant, calling my attention to the previous correspondence on the remarks made by the Public Accounts Committee on the apportionment of rents between Post Office and Telegraph Accounts, and stating that the Committee will before long require information as to what has been done in the matter.

Your Lordships state that, looking at it as a matter of correct account, you are unable to see how the present system can be defended; and I presume that the indefensibility of the practice consists, in your view, in the fact that the telegraph service enjoys the occupation of space for official purposes in certain post offices for which it ought to pay, but which is not made the subject of any charge against the Telegraph Vote.

Before again entering upon the merits of the case, I beg leave to remind your Lordships of the concluding three paragraphs in my letter to you of the 29th October 1877, where I pointed out the decision, which, by your letter of the 2nd July 1875 (9019-75), you had given in exactly the contrary direction.

You then laid down the rule that the whole of the rates leviable upon premises acquired under the Telegraph Acts must be paid out of the telegraph funds, even though a portion of the premises were used for postal purposes, and the effect of that decision has been that the postal service in such cases pay no rates on premises which it occupies and uses for postal purposes.

I am at a loss to perceive how the practice of permitting one branch of the service to use, without payment (whether for rates or rent is immaterial), part of premises, the remainder of which is occupied by the other branch, can be indefensible in one class of cases while considered legitimate in another.

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Appendix, No. 1

Whatever the result of the present discussion may be, I have no doubt that your Lordships will consider it desirable that the practice in both cases should at least be harmonious. As matters stand now, or rather as it is proposed that they should stand, the only uniformity of system will consist in imposing charges upon the Telegraph Vote, regardless of whether the telegraph service derives any benefit or not from the circumstances in respect of which such charges are incurred.

Passing, however, to the immediate question of which your Lordships invite my further consideration, I beg leave to say that I do not think that, with one exception, I can add much to the arguments submitted to you in my letters of the 21st September and 29th October 1877.

I there endeavoured to impress upon you the undesirable, indeed I may say the inequitable, character of the arrangement you propose to adopt, on two grounds.

In the first place, I represented to you that it would be an entire contravention of the understanding upon which the Government of the day proposed and carried out the acquisition of the telegraphs, which was, that in consequence of the State possessing available space in numerous post offices, and the services of a large staff of officials, it could undertake the business at a much less cost than would be necessary in the absence of such facilities. In the second place, I contended that, as the arrangement proposed would relieve the Post Office service proper of charges which it would have to defray if the telegraph business were discontinued or removed to other premises, it would be incorrect, as a matter of account, to transfer such charges from the Vote of the service in respect of which they were, and must be incurred, to that of a service to the requirements of which they were not in the least degree attributable.

I see no reason to modify in the slightest degree the opinions which I have formed in both these respects. The fact that the estimates of the cost both of acquiring and of working the telegraph service which were framed when the proposals for acquisition were under the consideration of the Government and of Parliament, have not proved correct, does not in the least affect the principles to which I have adverted. To the maintenance of those principles I attach very great importance, and I cannot but think that, if it had been then proposed to charge the Telegraph Service with the value of the space which it required, and could obtain without any expense, and with the value of the services of public officers beyond those which necessitated additional remuneration, the probable cost of the business would have been so seriously increased as to have made it very doubtful whether Parliament would ever have agreed to the acquisition.

To render the Telegraph Service now liable for such charges would therefore be, in my opinion, an unwarranted departure from the grounds on which the Government of the day committed itself to the enterprise; and charging, as it would, that service with expenses which they never intended it should bear, and which would differ entirely from those caused by the unfortunately erroneous estimate of the cost of the purchase of the undertakings, would involve a serious reflection upon those who were mainly responsible for the measure.

There is, however, one other argument against the proposed re-appropriation of charge which I wish to urge. By the Telegraph Act of 1868 (32 & 33 Vict. cap. 73, section 20), it is enacted that an account (generally termed the profit and loss account) of "the amount received" and of "the amount of expenses incurred" in respect of the Telegraph Service in each year, shall be annually presented to Parliament. In this account charges for rent of offices are, of course, included.

Now, I confess that I am unable to perceive that any expenses whatever have been incurred by the Telegraph Service on account of rent for premises occupied by the Postal Service before the Telegraphs were acquired, but of a part of which the Telegraph Services has had a beneficial occupation since that time.

As I have already explained, no additional rent has been paid on account of the introduction of Telegraph business into the buildings, and the Post Office would have to pay the same rent if that business were withdrawn to-morrow. To charge the Telegraph Service with a portion of that rent would therefore be, in my opinion, to present an incorrect account of expenditure to Parliament, and one not in accordance with the requirements of the Act, since no such "expenses" have been "incurred."

Such are the reasons which compel me to dissent from the course which your Lordships propose to adopt, and I trust that they will be regarded as of sufficient weight to deter you from a step which I believe is opposed to both the law and the equity of the case.

Before concluding, I may, however, be permitted to call your Lordships' attention to the point already briefly adverted to in the sixth paragraph of my letter of the 29th October 1877.

If you hold that the account, as hitherto presented to Parliament, does not exhibit the whole charge upon public funds involved by the telegraph business, and is, to the extent of the charges now under discussion, an incorrect account, you must, as it seems to me, go much further.

In the first place, the principle your Lordships propose to adopt must, if consistency be observed at all, be extended to the salaries of all those superior officers of the department who have either received no additional remuneration on account of services rendered in connection with the Telegraph Service, or whose additional salary charged against the Telegraph Vote is incommensurate with the value of such services. The salaries to which I refer would be those of the Postmaster General, the Secretary, the Financial Secretary, the heads and staff officers of several departments, the surveyors and their staff, and post-

masters

masters throughout the kingdom. In the case of one of these officers your Lordships have, I may observe, already ruled in the opposite direction, for when, on the creation of the post of Financial Secretary, I asked your Lordships whether any portion of his salary should be charged to the Telegraph Vote, I was informed by your letter of the 9th February 1875 (1132-75), that it was to be borne entirely by the Vote for the Post Office service.

But not only would a re-adjustment of the charge for salaries of the above description, and involving a very heavy amount, be necessary. Consistency, if not correctness of account (for I do not admit the latter view), would lead to a re-apportionment of other charges.

The Post Office occupies a very large number of buildings all over the kingdom for which no rent is paid, but which have been erected, and the sites of which have been purchased, at the cost either of the Vote for Revenue Department Buildings, or of that for the Post Office Service. Into every one of these buildings the telegraph business has been introduced, and as much beneficial occupation is therefore enjoyed of them by the Telegraph Service as of the buildings, not the property of the Crown, on which rent is paid.

On the principle advocated by your Lordships, a correct account of telegraph expenditure will not be shown unless the Telegraph Vote is charged with the annual value, by way of rent, of the portion of such post offices used for telegraph purposes, or at least, if that course be undesirable, as involving the same sums being voted twice, and then repaid to the Exchequer as postal receipts, you would require that the amount should be debited against the telegraphs in the annual profit and loss account.

It may be said that the extension of the proposed principle to the case of buildings which are the property of the Crown, is unnecessary, since no expense of the nature of rent is incurred in respect of them. But I must observe that, if correctness of account requires a charge to be raised against the Telegraph Vote, in the case of hired premises, part of which is occupied by the Telegraph Service, the same cause would require it in the case of purchased premises. Whether the expenditure has taken place in one year, in the shape of purchase money or cost of construction, or is spread over a series of years, in the shape of rent, does not, as it appears to me, affect the question at all. The Telegraph Service enjoys the occupation of post offices erected at the cost of the Post Office Vote. The State bears an annual charge on account of such post offices, not in the shape of actual rent, but in the shape of interest on so much of the national debt as might have been paid off in the years in which the sites were purchased and the buildings erected, if it had not been for such purchase and erection. Even if no surplus applicable to the reduction of debt would have been available in those years, expenditure of a capital description took place which the nation has had to defray, which, on any correct principle of account, must bear interest, and of which the Telegraph Service reaps part of the benefit, since it occupies part of the premises constructed by means of such expenditure.

The observations I have now felt myself called upon to make will, I trust, induce your Lordships to reconsider the whole subject; since it is evident that, if the object of the proposed retrospective apportionment of rents be to obtain a correct account of the cost of the Telegraph Service, it will signally fail to be attained.

I may, in passing, remark that the present practice of charging one-half or one-third of the rent, as the case may be, to the Telegraph Vote, on the Report of the First Commissioner of Works, is eminently incorrect and unsatisfactory, since the cubic space occupied is alone taken into consideration without regard to the position of the rooms occupied by the Telegraph Service, which, being principally in the basement and the topmost floor, are of course less valuable than the ground, or first and second, floors.

After giving the question my most careful attention, I cannot but think that both the spirit and letter of the Act, as well as the intentions of the Government who introduced it, of whom I was one, are carried out by the practice now in force (subject to modification on the point just adverted to) of charging the Telegraph Service with the additional expenditure which it involves.

Should your Lordships, however, be pleased to decide that the Telegraph Service shall be considered as having incurred expenses where, in point of fact, no expenses have been incurred for it, or rendered necessary by it, and where, moreover, it was expressly understood that none would be incurred, I must of course accept your decision.

I must at the same time beg leave to accept it under protest, and with the request that your Lordships will have the goodness to lay a copy of this letter before the Committee of Public Accounts.

The Lords Commissioners of the Treasury.

I have, &c.
(signed) *John Mannors.*

TREASURY MINUTE, dated 22nd March 1879.

(4109-79.)

THE First Lord calls the attention of the Board to a question raised by the Comptroller and Auditor General in his report upon the Appropriation Account of the Post Office Vote for the year 1876-7, respecting the apportionment of rents between the Post Office and Telegraph Votes. He states that he has conferred with the Chancellor of the

Appendix, No. 1. Exchequer and the Postmaster General upon the subject. He admits that, as a matter of account, the principle advocated by the Comptroller and Auditor General, and approved generally by the Board of Treasury, is correct, but having regard to the strong opinion expressed by the Postmaster General, he is unwilling to press him to give retrospective force to the rule which under their Lordships' direction, is now applied.

The First Lord considers that no material benefit will result from disturbance of the arrangement which the Post Office authorities understood to be accepted at the time when the telegraphs were acquired; and he proposes, therefore, in deference to the views of the Postmaster General, to confine the operation of the new rule to new offices.

My Lords assent.

(458.)

The Comptroller and Auditor General to the Treasury.

Exchequer and Audit Department,
31 March 1879.

Sir,

I AM directed by the Comptroller and Auditor General to acknowledge the receipt of Mr. Stronge's letter of the 22nd instant, respecting the apportionment of rents between the Post Office and Telegraph Votes of premises occupied jointly for Postal and Telegraph Services.

The Comptroller and Auditor General learns with satisfaction that the First Lord of the Treasury "admits that, as a matter of account, the principle advocated by the Comptroller and Auditor General, and approved generally by the Board of Treasury, is "correct," but he feels it his duty to give expression to his regret that his Lordship is unwilling to press the Postmaster General to give retrospective force to the rule of charging the Telegraph Service with a fair proportion of the rents of every office, having regard to the space occupied, which, under the direction of the Treasury, is now applied.

The Comptroller and Auditor General desires me to observe that the effect of this decision will be that, as all rents of premises jointly occupied for the Postal and Telegraph Services prior to July 1877, the date of the Treasury direction for adopting the new rule, were entirely charged to the Postal Vote, unless the introduction of the Telegraph into an office had given rise to an additional expense in the shape of rent, the great bulk of the payments which should be charged in fair proportions against the Postal and Telegraph Vote, will be borne now and hereafter by the former.

Thus the Telegraph Vote will escape its due proportion of expenditure, and the account will necessarily be incorrect and misleading as to the financial results of the working of the Telegraph system.

R. R. W. Lingen, Esq., C.B., Treasury.

I have, &c.
(signed) H. Treherne.

MAPS SUPPLIED TO LANDED ESTATES COURT.

Outstanding balance due to Her Majesty's Exchequer on the 31st March 1878, for maps supplied by the Ordnance Survey Department, for use in proceedings taken in the Landed Estates Court in Ireland,

£. 11,504 11s. 9d.

ABSTRACT STATEMENT dividing the said Balance according to the Number of complete Years for which the Sums composing it had been respectively outstanding on the 31st March 1878.

	£.	s.	d.
Amount outstanding for less than one year - - - - -	10,189	15	4
Ditto - ditto - one year but less than two years - - -	879	16	2
Ditto - ditto - two years but less than three years - - -	170	12	2
Ditto - ditto - three years but less than four years - - -	4	9	-
Ditto - ditto - four years but less than five years - - -	149	9	3
Ditto - ditto - five years but less than six years - - -	3	2	6
Ditto - ditto - seven years but less than eight years - - -	17	12	9
Ditto - ditto - nine years but less than ten years - - -	2	17	8
Ditto - ditto - eleven years but less than twelve years - - -	86	16	11
TOTAL outstanding on the 31st March 1878, per Report of the Comptroller and Auditor General on the Appropriation Account of the Survey Vote for 1877-8 - - - - -	£.	11,504	11 9

REMISSION OF COST OF ENQUIRY UNDER MERCHANT SHIPPING ACT.

Board of Trade to the Treasury.—(Referred to in Answer to Question 55.)

CERTIFICATES.

Sir,

Board of Trade (Marine Department),
Whitehall Gardens, S.W., 30 March 1878.

I AM directed by the Board of Trade to request you to call the attention of the Lords Commissioners of Her Majesty's Treasury to the case of a naval court which was held at Callao in November 1875, to inquire into an outbreak of scurvy on board the ship "Reciprocity," during a voyage from Liverpool to Callao, which had resulted in the death of one of the crew, and to the circumstances in which the Board have remitted the payment of the costs which had been charged by the Court against the master, Captain Jones.

The Court found that Captain Jones had been guilty of neglect in not putting into some port for the purpose of obtaining assistance for the sick men. They, therefore, suspended his certificate for 12 months, and directed him to pay the costs of the court. They also sentenced him to pay a fine of forty-five pounds (45 £.) for omitting to make in the official log entries as required by the Merchant Shipping Act, 1854.

The Board of Trade, however, while they approved the Consul's action in summoning a naval court to investigate the case, were nevertheless of opinion that, even if the master were to blame for not putting into port, his conduct in this respect could only be regarded as an error of judgment which did not deserve punishment.

They arrived at this decision after due consideration of the practice of other courts at home and abroad in such cases, as well as the merits of the case, there being no evidence to show that the course pursued by him had caused the death of the seaman, or that there had been any inhumanity on his part; the crew having, on the contrary, been well treated and well supplied with provisions.

They, therefore, restored to Captain Jones his certificate, which they had express power to do under the 23rd section of the Merchant Shipping Act, 1862, and as the reversion of the decision of the Court necessarily carried with it the remission of the costs which the Court had ordered him to pay, they forwarded him an order for the amount, less his own legal expenses, viz., thirty-three pounds fifteen shilling and one penny (33 £. 15 s. 1 d.).

As, however, the powers of the Board of Trade under the section of the Merchant Shipping Act, 1862, referred to, do not include the remission of pecuniary punishments, they will be glad if the Lords Commissioners will be good enough to sanction the sum of thirty-three pounds fifteen shillings and one penny (33 £. 15 s. 1 d.) being debited to Law Charges (Board of Trade) for the year 1877-78.

The Secretary, Treasury.

I have, &c,
(signed) Thomas Gray.

CORRESPONDENCE AS TO CHARGING SIR A. KEMBALL'S SALARY, AS TURCO-PERSIAN BOUNDARY COMMISSIONER, TO ARMY FUNDS.

(5253—79.)

The Treasury to the War Office.

Sir,

Treasury Chambers, 16 April 1879.

I AM directed by the Lords Commissioners of Her Majesty's Treasury to acknowledge receipt of your letter of the 20th ultimo (No. 6,708—Turkey—77), relative to the correspondence between the Foreign Office and the Audit Office, with respect to the mode of charging the pay, &c. of Sir A. Kemball as a Member of the Turco-Persian Boundary Commission during the period when he was employed with the Turkish Forces in Servia and Asia Minor, and I am to request that you will inform the Secretary of State that, in the circumstances, my Lords consider that it will be desirable to charge the amount to Army Votes.

The Financial Secretary, War Office.

I am, &c.
(signed) Wm. Law.

Appendix, No 1.

(5253—79.)

The Treasury to the Foreign Office.

Sir,

Treasury Chambers, 16 April 1879.

I AM directed by the Lords Commissioners of Her Majesty's Treasury to transmit to you, for the information of the Secretary of State, with reference to your letter of 21st December last, copy of a letter which my Lords have this day caused to be addressed to the War Office, relative to the mode of charging the pay, &c. of Sir A. Kemball as a member of the Turko-Persian Boundary Commission during the period when he was employed with the Turkish Forces in Servia and Asia Minor, by which he will perceive that my Lords are of opinion that the pay, &c. of Sir A. Kemball, as a Member of the Turko-Persian Boundary Commission, may be properly charged to Army Votes.

The Under Secretary of State,
Foreign Office.

I am, &c.
(signed) Wm. Law.

Appendix, No. 2.

PAPERS handed in by Mr. Welby.

Appendix, No. 2.

ARMY.—INDIAN HOME CHARGES.

MINUTE APPOINTING COMMITTEE TO CONSIDER BASIS OF CHARGES BETWEEN
WAR OFFICE AND INDIA OFFICE.

TREASURY MINUTE, dated 19th February 1879.

MY Lords refer to their Minute of 2nd July 1878, on the subject of the adjustment of the claims of the War Department against the Government of India, in respect of the effective charges incurred in England on account of troops serving in India. That Minute provided for the settlement of such claims in respect of the past and current years, but left undetermined the basis on which they should be adjusted in future, *i.e.*, after the 31st March next. It, however, indicated the course which my Lords intended to adopt for the purpose of fixing a basis, inasmuch as it recorded the acceptance of the principle of repayment by means of a capitation rate, and stated that my Lords proposed that the rate should be fixed by a Commission, appointed jointly by the India Office, the War Office, and the Treasury, and should continue in force for a certain number of years before being subject to revision.

My Lords now proceed to appoint such Commission.

The Chancellor of the Exchequer informs them that Her Majesty's Government have requested the assistance of the Earl of Northbrook in the conduct of this Inquiry, and that he is happy to state that his Lordship has expressed his willingness to undertake the duty.

Further, my Lords have been in communication with the Secretary of State for War and the Secretary of State for India, with respect to the choice of gentlemen to represent the War and Indian Departments, and with their concurrence they are now pleased to nominate the following as members of the Commission:—

The Right Honourable the Earl of Northbrook, as Chairman.

Sir Thomas Seccombe, C.B., K.C.S.I., as representing the Secretary of State for India in Council.

Mr. B. H. Knox, as representing the Secretary of State for War.

They had originally intended to appoint a fourth Commissioner to represent their own Board, but, upon further consideration, they are of opinion that in some ways it may be more convenient that they should not be directly represented, and they have therefore decided to confine themselves to nominating one of the gentlemen of their Department to act as Secretary to the Commission. For this duty they select Mr. Gurdon, C.B.

The Minute of 2nd July, and the papers attached to it, will be referred to the Commission, and they so far indicate the scope of the Inquiry which is to be held, that my Lords need not now do more than recapitulate briefly the chief points which should be kept in view. They are as follows:—

1. The Commission will in the first place ascertain as nearly as possible the amount of the *effective* charges incurred in this country in respect of troops serving in India.

2. It

2. It is to be understood that for the reimbursement to the Imperial Exchequer of the expenditure incurred on account of these charges, the principle of a capitation rate has been accepted. Appendix, No. 2.

3. The Commission are asked to determine :

- (a.) What the rate should be.
- (b.) What basis should be taken for arriving at the numbers on which the rate is to be payable.
- (c.) For how long the rate should continue in force without revision.

APPLICATION OF SAVINGS TO MEET EXCESSES ON ARMY AND NAVY VOTES.

TREASURY MEMORANDUM as to Section in Appropriation Act which empowers the Treasury to authorise the Naval and Military Departments temporarily to meet Expenditure in excess of Votes by using Savings under other Votes.

1. IN 1832 an Act was passed under which an audited Appropriation Account of the expenditure of the Navy Grant was annually laid before Parliament.

[It may be interesting to notice, that appended to the first account presented under the Act, is an extract from a letter of the Secretary of the Admiralty to the Secretary of the Treasury, expressing the opinion that the Act 2 Will. 4, c. 40, did not take "away from the Naval Department of Government the power of exceeding any head of expense on their Ministerial responsibility."]

2. In 1845, a Committee of Inquiry into the system of Account and Audit in the Ordnance Department recommended (in their 6th Report), that the Appropriation Audit should be applied to the whole of the Naval and Military Grants, and "that each of the three Departments of Army, Navy, and Ordnance should be required, on all occasions, to report to the Treasury any necessity which may arise for defraying expenditure in excess of the grants for any general head of the Appropriation Act, in order that the Lords of the Treasury may determine whether a Supplemental Estimate shall be presented for it, if the Committee of Supply be not closed, or that they may, upon their responsibility, as having the control over the public expenditure, authorise the Department to defray it out of the surpluses on other votes."

3. They further recommended "that all such excesses of expenditure beyond the grants, defrayed under the sanction of the Treasury, should be clearly specified in the annual accounts of the respective Departments laid before Parliament, and that explanations should be given therein of the circumstances which may have rendered such excesses necessary."

4. The Treasury, in a Minute on the above Report (dated the 13th January, 1846), after laying down Regulations in accordance with various other recommendations of the Committee (for the establishment of uniform principles of account and control over expenditure in the great Departments) requested the Committee to prepare and submit clauses for giving legislative effect to the recommendations above quoted. The Committee, accordingly in their 7th Report (dated the 25th June 1846), submitted clauses for the purpose.

5. It was at first proposed to add these clauses in the next annual Appropriation Act, but those which related to the preparation and presentation to Parliament of audited Appropriation Accounts of the Navy, Army, Commissariat, and Ordnance services, were embodied in a separate Act (9 & 10 Vict. c. 92), which was passed in the same year, 1846, and became applicable to the Naval and Military expenditure of the year 1846-47.

6. The suggested additional legislative provision which defined and limited the power to apply savings to meet deficiencies within the totals of the respective grants was inserted in the Appropriation Act of that year (9 and 10 Vict., c. 116, s. 24). A copy of the clause thus introduced, and which has since invariably formed a part of the annual Appropriation Act—with modifications to be presently noticed—is appended (A).

7. In 1849 a Select Committee of the House of Commons was appointed to inquire into the Army and Ordnance expenditure, and in their 2nd Report (in connection with the

Appendix, No. 2.

Ordnance Vote for Works and Buildings, &c.) they make the following remarks bearing upon the above enactments :—

“Parliament has of late years endeavoured so to regulate the public accounts that money voted for a particular purpose should be applied to the purpose for which it has been voted, and that in cases where the money so voted had not been expended within the year, the House of Commons should be again called upon to vote the unexpended balance. The Lords of the Treasury are, however, empowered to apply any surpluses remaining from any of the votes of the Department, to defray any unforeseen and unprovided expenditure connected with that Department.

“In cases where the surplus so applied has been obtained from a saving upon any other vote, or when the surplus had been obtained within the vote, by the postponement of one work, and the application of the money to the construction of another work, Parliament would not be made acquainted with the occurrence in either case.

“The Annual Report of the Commissioners of Audit, as presented to the House of Commons, shows under each vote where there has been a surplus or a deficiency, but does not show the distribution of the surplus in detail as applied to meet the deficiencies.

“Thus, expensive work may be commenced and carried on without the cognizance of Parliament; last year, for example, it is said, in consequence of the Estimates having been delayed, orders for new works were not given until late in the year, when the sums voted could not be spent within the year; consequently at the end of the year there must remain a surplus.

“This surplus the Ordnance could, with the sanction of the Treasury, apply to the payment of unforeseen charges incurred by Governors and Commanders in chief. The sum so expended during the last three years has been, in the United Kingdom, 35,636 £, and in the Colonies, 60,644 £.

“According to the Regulations of the Treasury Minute of September 1846, and the 24th Clause of the Appropriation Act, the Board of Ordnance cannot meet any charges for unforeseen and perhaps urgent works, except by the postponement of some other work or service, which it may be possible to defer. In such a case, however, the Lords of the Treasury can exercise a dispensing power, after having called for such official information as may be necessary to bring all the circumstances under their notice. The defect in this arrangement appears to be, *that Parliament may be left in ignorance of works which have been completed, and may suppose other works to have been executed which have been indefinitely postponed.* Colonel Anson suggested to your Committee that this defect might be remedied by the insertion of a page in the Estimates, wherein works deferred and unforeseen services provided for might be specially mentioned.

“With regard to urgent works, and services requiring a comparatively small outlay, it has been laid down as a rule that whenever an urgent service exceeded 200 £, there should be an application to the Treasury for their authority to sanction that service; but for smaller services under the amount of 200 £, the Master-General and Board have taken upon themselves the responsibility of ordering such services to be performed, at the same time postponing another service, so that the estimate shall not be exceeded. Whenever the gross amount voted for the services of a Department shall have been exceeded, a supplemental vote to cover the excess must be submitted to the House of Commons.”

8. The Committee apparently based no recommendations upon these remarks, except to suggest a more strict control over the expenditure as regards works and buildings. On this point they stated :—

“Your Committee are of opinion that, for the future, more direct responsibility should be enforced in regard to new works, especially works of defence; for this purpose they recommend that the written order of the Secretary of State should be obtained before any sum for a new fortification be inserted in the Estimates. The responsibility of the Treasury is not hereby intended to be removed, but an additional and preliminary check introduced. They recommend also that any sum expended on unforeseen services or urgent works, and of which Parliament has not cognizance, according to present arrangements, should be hereafter stated in the Estimates of the ensuing year, and that the sanction of the Treasury should be annexed to this statement.”

9. The section referred to in paragraph 6 originated in an Act which was the first step towards securing a real Parliamentary control over the appropriation of the Naval and Military expenditure. (For it is evident that the Appropriation Audit of the Naval expenditure, established in 1832, effected little more than an accurate comparison between the Navy Estimates and the Navy Accounts.)

10. Power was thus given to regularise unavoidable irregularity, but it was placed under the control of an independent authority; in other words, provision was made for circumstances which, without such provision, must have sometimes inevitably led to a disregard of the letter and spirit of the Appropriation Act.

11. In the exercise of the power thus given, it was known from the first, that in practice, the expense of an unforeseen service which could not wait would be met, if necessary, by the postponement of some ordinary service which could wait.

12. The

12. The liability to an undue use of this power, as it first stood, was pointed out by the Select Committee on Ordnance Expenditure in 1849; the objection, however, was not to the principle of thus exercising the power, but that Parliament might be left in ignorance as to the effect of its exercise. A suggestion to meet this objection was made to the Committee.

13. Apparently, however, nothing was done in this direction until 1856, when an additional proviso was added to the section in the Appropriation Act (copy appended B.), directing that a statement should be laid before the House of Commons with the Army and Navy Estimates for each year, showing the cases in which Treasury sanction had been obtained "to any alteration in the sums appropriated to the respective votes, together with copies of the representations made" to the Treasury. These statements, &c., were first appended to the Army and Navy Estimates for 1857-58.

14. In the Appropriation Act of 1862, an important alteration of the section was made. Instead of the Treasury being authorised to signify "Her Majesty's pleasure" as a final authority for a variation of the application of the grants, the Treasury was itself empowered to give authority for the *temporary* application only of any surpluses which might arise; and it was required that statements of cases in which this power was exercised, and copies of the correspondence respecting them, should be laid before the House of Commons with the Appropriation Accounts of the year, "in order that such proceedings may be submitted for the sanction of Parliament, and that provision may be made for the deficiencies upon the several Votes for the said services in such manner as Parliament may determine."

15. The statements and correspondence, previously appended to the Estimates, were accordingly, for the year 1862-63, and subsequently, appended to the *accounts* of the two Departments.

16. The section as thus varied has, with a trivial and merely verbal alteration, remained unchanged to the present time (copy of Section in last Appropriation Act appended, C).

17. The change made in 1862 was due to the recommendations of the Public Accounts Committee in their second Report of that year. The Committee made a very full and exhaustive inquiry into the operation of the power of applying surpluses to meet deficiencies within the grants for Army and Navy Services, and as to the expediency of continuing that power. Their Report deserves careful perusal.

18. The Regulations for giving effect to the Section in the Appropriation Act (as amended in 1862) were prescribed by a Treasury Minute of the 27th January 1863, which was laid before Parliament. (Parliamentary Paper, No. 52, of 1863.)

19. Resolutions are submitted to the House of Commons annually, in Committee, reciting the amounts of the surpluses of Votes in each Department (as shown by the audited Appropriation Accounts presented to the House), which have been temporarily applied under the authority of the Treasury, to meet deficiencies on other Votes in the same Department, and formally sanctioning such application. These resolutions are then embodied in the Appropriation Act of the Session.

Treasury, 14 April 1879.

APPENDIX (A).

COPY of Section 24 of the Appropriation Act, 1846 (9 & 10 Vict. c. 116).

And it is hereby also enacted, that the respective Departments charged with the detailed application of the sums granted, by this Act for Navy, Army, and Ordnance Services, shall confine the expenditure of their respective departments within the particular amounts appropriated to each of the separate services, comprised in the sum of 7,484,453 *l.* for Naval Services, in the sum of 6,635,044 *l.* for Army Services, and in the sum of 2,543,569 *l.* for Ordnance Services: Provided always, that if the exigencies of the Public Service shall render it indispensably necessary to alter the proportions assigned to any of the separate Services comprised in the aggregate sum granted by this Act for Naval Services, for Army Services, or for Ordnance Services, the Department in which such necessity shall have arisen shall represent the circumstances which may have led to it in writing to the Commissioners of Her Majesty's Treasury, and it shall be lawful for such Departments, on Her Majesty's pleasure to that effect being signified by the Commissioners of Her Majesty's Treasury, or any three or more of them, for the time being, to apply in aid of the deficient grant a further limited sum out of any surplus or surpluses under other heads of Service in the same Department: Provided always that the aggregate sum of 7,484,453 *l.* granted by this Act for Naval Services, of 6,635,044 *l.* for Army Services, or of 2,543,569 *l.* for Ordnance Services, shall not be exceeded.

Appendix, No. 2.

APPENDIX (B).

ADDITIONAL PROVISIO added to the foregoing, in the Appropriation Act of 1856 (19 & 20 Vict. c. 105, s. 30), and repeated in all subsequent Acts with no other variation until 1861, inclusive.

Provided also that there shall be laid before the House of Commons, with the Navy and Army Estimates for each year, a statement showing all cases in which the Naval and Military Departments shall have obtained the sanction of the Commissioners of Her Majesty's Treasury to any alterations in the sums appropriated to the respective votes aforesaid, during the year ended on the 31st day of December of the preceding year, together with copies of the representations made to the Commissioners of Her Majesty's Treasury by the said Departments.

APPENDIX (C).

COPY of similar Section in the last Annual Appropriation Act, 1878
(41 & 42 Vict. c. 65, s. 4).

If a necessity arise for incurring expenditure not provided for in the sums appropriated to Naval and Military Services by this Act, and which it may be detrimental to the Public Service to postpone until provision can be made for it by Parliament in the usual course, each of the Departments entrusted with the control over the said Services shall forthwith make application in writing to the Commissioners of Her Majesty's Treasury for their authority to defray temporarily such expenditure out of any surpluses which may have been or which may be effected by the saving of expenditure upon votes within the same Department, and in such application the Department shall represent to the Commissioners of the Treasury the circumstances which may render such additional expenditure necessary, and thereupon the said Commissioners may authorise the expenditure unprovided for as aforesaid to be temporarily defrayed out of any surpluses which may have been or which may be effected as aforesaid upon votes within the same Department; and a statement showing all cases in which the Naval and Military Departments have obtained the sanction of the said Commissioners to any expenditure not provided for in the respective votes aforesaid, accompanied by copies of the representations made to them by the said Departments, shall be laid before the House of Commons with the Appropriation Accounts of Navy and Army Services for the year, in order that such proceedings may be submitted for the sanction of Parliament, and that provision may be made for the deficiencies upon the several Votes for the said Services in such manner as Parliament may determine.

The Commissioners of the Treasury shall not authorise any expenditure which may cause an excess upon the aggregate sums appropriated by this Act for Naval Services and for Army Services respectively.

Appendix, No. 3.

PAPER handed in by Mr. Ryan.

MEMORANDUM as to Section in APPROPRIATION ACT, which Empowers the TREASURY to authorise the NAVAL and MILITARY DEPARTMENTS temporarily to meet EXPENDITURE in EXCESS of VOTES by using SAVINGS under other VOTES. Appendix, No. 3.

It is presumed that it is not intended to reconsider at the present moment the question of the propriety of retaining, in the case of the Naval and Military Departments, the power now granted by the Appropriation Act, of temporarily meeting unforeseen expenditure out of surpluses effected by saving of expenditure upon Votes within the same Department, safeguarded as that power is by the regulations for the presentation of the correspondence with the Treasury, by which authority is given in every case, and covered, moreover, by the sanction contained in the Resolutions subsequently passed in Committee, and embodied in the succeeding Appropriation Act.

The question which now arises appears rather to be, what are savings; and can postponement of expenditure be considered as a saving?

The answer to this last question seems to depend mainly upon the nature of the expenditure contemplated by the Votes. To take the case of the Vote for pay of officers and men: if provision is therein made for, say 170,000 men, and owing to difficulties in recruiting, or other reasons, only 160,000 actually become chargeable, the diminution of expenditure in this case is real saving, as the article provided for was not obtained, and no subsequent liability remains to be discharged in respect of it. The same, of course, may be said of the Votes for provisions, fuel, forage, &c., for the men in question.

But in the case of the Works Vote, on which the question practically turns, the point is not so simple. If a work is completed for less than the estimated cost and amount voted, it is a clear saving. But if a work, admitted to be essential or desirable, is not abandoned, but only deferred, usually to the following year, this would not, in the view of the Audit Department, be a legitimate saving to be properly applied under the Appropriation Act, to meet unforeseen expenditure. That this mode of exercising the power is one which might easily be abused, needs but little proof; an unpopular or doubtful work could, if the Treasury were to be persuaded to give their consent on the ground of urgency, be undertaken, if not completed, without Parliament having the means of knowing the fact until it was too late to interpose any effectual veto. It may be said that this might be the case, if what may be called legitimate savings were to be applied; and no doubt this is so. But legitimate savings are much more difficult to realise, and are usually precarious, whereas the postponement of a work of even considerable magnitude is a matter entirely within the competence of the Department to arrange. On the other hand, there is no doubt that the objection to allowing surpluses arising from postponement of works to be considered as savings within the Works Vote itself, would be much less than if savings thus obtained were to be considered as applicable to any other vote within the Department. It may be said that the Comptroller and Auditor General would report any exercise of the power conferred by the clause in the Appropriation Act, which might be doubtful; but this would be requiring him to form a judgment upon a matter which hardly falls within his province.

Of course, if postponement is *laid* down not to be savings, every case of a service performed by means of postponed work should, no doubt, be dealt with in the Reports on the Army and Navy; at present, however, it might frequently happen that the Comptroller and Auditor General would be without the means of detecting such cases.

If, on the other hand, postponement is allowed at all, it seems to be essential that the fact of the surplus being obtained by postponement should, in all cases, be fully explained to the Treasury when their sanction is sought, as it by no means follows that it would be within the power of the auditors to discover the fact from the accounts.

Exchequer and Audit Department,
24 April 1879.

C. I. Ryan.

Appendix, No. 4.

PAPER handed in by Mr. Welby.

Appendix, No. 4. TREASURY CONTROL OVER COLONIAL EXPENDITURE AND IMPERIAL AUDIT OF COLONIAL ACCOUNTS.

Colonial Office to Treasury, in reply to the Treasury Letter printed (page 49) in the Appendix to the First Report of the Committee of Public Accounts.

Sir,

Downing-street, April 1879.

I AM directed by Sir Michael Hicks Beach to acknowledge the receipt of your letter of the 12th of April (118—3767/79), to which it will be convenient to refer by pages.

2. The first 14 pages are recapitulatory. On the 15th page you proceed to criticise the statement in the Colonial Office letter of the 26th February, that the Secretary of State was not prepared to accept as accurate the statements contained in your letter of the 25th of September. You state that you have been able to discover only two inaccuracies in that letter. Those inaccuracies, however, are of a minor character, and do not constitute the inaccuracy to which the Colonial Office letter referred.

3. In your letter of the 25th of September you complained that the Estimates of Colonies receiving grants-in-aid had not been regularly submitted for the sanction of the Lords Commissioners of the Treasury, in accordance with agreement. Appended to that letter was a list of grants-in-aid from 1868-9 to 1878-9, together with a list of Estimates transmitted to the Treasury. With whatever purpose that Table may have been originally compiled, the plain inference from your letter of the 25th of September, in the absence of any explanation, was that in every case of a grant-in-aid in which Estimates had not been submitted for the sanction of the Treasury, the Colonial Office had failed to carry out the agreement. But it appeared to the Secretary of State that there was a great number, if not a majority, of cases to which the rule ought not to apply, or to which it was of doubtful application, viz., Virgin Islands, Malta, Bermudas (1873-4), Leeward Islands, Gambia Mail Service, Bahamas Mail Service, West Coast of Africa Steamer, Lagos (1872-3), to which last it appears, might have been added, for the same reasons, St. Helena (1871-2), Sierra Leone, Fiji, Gold Coast (1874-5), and Transvaal.

4. Any doubt as to the last six cases is now removed by the expression of the opinion of the Lords Commissioners of the Treasury, that the annual Estimates should be submitted for the sanction of their Lordships in the case of a colony which has received assistance in the shape of an advance without interest, to be repaid if circumstances permit, but Sir Michael Hicks Beach is glad to observe that their Lordships concur in his opinion that the rule did not apply to the remainder of the above-mentioned cases, although there was not any evidence of their concurrence in your letter of the 25th of September.

5. Sir Michael Hicks Beach has thought it desirable to trouble their Lordships with this explanation in order to prevent the inference, which otherwise might possibly be drawn from your present letter, that there had been any desire on the part of this Office to evade the responsibility for any case of clear neglect which might be established against it, or any other wish than to obtain a clear definition of the scope of an agreement in which you now admit (page 10) that there was a want of precision.

6. With regard to your observation on page 20 of your letter, that no explanation is offered by this Department respecting the non-transmission of Gold Coast and Fiji Estimates, I am to refer you to the letter from this office of 1st January, in which it was expressly admitted that there had been failure in this respect. It was therefore presumed that no further explanations were required.

7. Your remarks regarding the Gambia and Sierra Leone appear to the Secretary of State scarcely calculated to give a correct impression of what has passed to any one not previously familiar with the subject, but he does not desire to prolong the discussion by recapitulating facts which have formed the subject of full correspondence between the two Departments. I am, however, to point out that the St. Helena Estimates for 1876 were transmitted to the Treasury on the 26th of July 1876, and that the Gold Coast Grant for 1873-4 was to meet extraordinary expenses occasioned by the Ashantee War.

8. It

8. It appears to Sir Michael Hicks Beach that the last 21 pages of your letter may be summed up, concisely, but fully, as follows: Appendix, No. 4.

(1). Annual Returns of Revenue, Expenditure, and Debt to be furnished from all Colonies receiving assistance from Imperial funds in any shape, including loans at interest and guaranteed loans.

(2). The annual estimates of Colonies receiving grants-in-aid to be submitted for the sanction of the Lords Commissioners of the Treasury for every year in which such a grant is received, and for three years afterwards, excepting grants for the following purposes:

(a.) Governors' salaries.

(b.) Postal services.

(c.) Imperial share of public works.

(d.) Intercolonial steamers, such as the Leeward Islands and the West Coast of Africa steamers.

(3). Proof of Treasury sanction of such estimates to be furnished by the Colonial Office to the Audit Office, commencing with the year 1878.

9. Sir Michael Hicks Beach has no objection to offer to this decision, to which he will be prepared to give effect, but he would be glad to be supplied with the form in which the Lords Commissioners of the Treasury desire that the Returns of Revenue, Expenditure, and Debt should be rendered. In respect of grants already sanctioned, Sir Michael Hicks Beach presumes that Falkland Island Estimates should be submitted for the sanction of the Lords Commissioners of the Treasury until 1882, inclusive, the Fiji and Transvaal Estimates until 1880, and that the Sierra Leone, Gambia, and St. Helena Estimates only need be submitted for the present year, which has already been done. With regard to Heligoland, I am to refer you to the correspondence which is now taking place with the object of avoiding the necessity for the Imperial audit of the accounts of that Colony.

10. I am to request that this letter may be communicated to the Public Accounts Committee, as well as the previous correspondence.

The Secretary to the Treasury.

I am, &c.
(signed) *Robert G. W. Herbert.*

Appendix, No. 5.

PAPER handed in by Mr. Welby.

COPY of a MEMORANDUM on the OTTOMAN GUARANTEED LOAN of 1855, prepared for the information of the French Government. Appendix, No. 5.

By a convention between Great Britain, France, and Turkey, of the 27th June 1855, the Turkish Government undertook to remit to the Bank of England, every half-year, the full amount of one half-year's interest and sinking fund on the loan which was to be raised under the conjoint guarantee of England and France, and be secured on the whole revenues of the Ottoman Empire, and specially on the annual amount of the tribute of Egypt.

By the declaration entered into between Great Britain and France of the 27th July 1855, it was stipulated that, in the event of the Turkish Government failing, in whole or in part, to remit the amount due for the half-year, the British Government was to advance the amount which might be necessary to enable the Bank of England to pay the said interest at the appointed time, that the British Government should then transmit to the French Government an account of the amount so advanced, and that the French Government, on its part, should immediately remit to the British Government the half of such amount, it being understood that any sums so advanced by the British and French Governments should be proportionately repaid to them out of any funds which might be remitted by the Turkish Government to the British Government.

By arrangement with the Porte, the interest has been paid partly out of the unappropriated balance of Egyptian tribute, payable to Turkey, the whole of which is remitted direct to the Bank of England; and partly out of funds provided direct by the Ottoman Government.

On the 28th January 1878, the English Government were informed by the Bank of England

Appendix, No 5. England that no provision had been made for the payment of the interest due on the 1st February 1878, which, together with the commission payable, amounted to—

£. 76,304 - -

Thereupon, the Bank of England was requested on the 31st January 1878, to advance the necessary sum, so as to afford the Porte an opportunity of fulfilling its engagements.

No funds, however, having been received, it became necessary for the English Government to repay the bank, and on the 13th March 1878, directions were accordingly given for an issue out of the Consolidated Fund, amounting to the above-mentioned sum, viz. - -

76,304 - -

The English Government had also to provide funds for the interest due to the bank for advancing that sum, viz. - -

175 12 1

making a total charge on English public funds of - - - £. 76,479 12 1

The Bank subsequently received, on account of the Egyptian tribute over due, the following sums, viz. :—

On the 15th April 1878 - - - - - £. 7,800

„ 1st July - - - - - 22,900

„ 7th April 1879 - - - - - 40,600

amounting in all to - - - - - 71,300 - -

This reduced the indebtedness of the Porte to the English Government, on account of the dividend, &c., due in February 1878, to a sum of

5,179 12 1

On the 31st January 1879 the English Government learnt from the Bank of England that no funds had been remitted on account of the Egyptian tribute, and, therefore, that none were applicable to meet the charge of the Ottoman Guaranteed Loan the following day, amounting to - - - - -

£. 76,304 - -

At the request of the Government, the Bank again advanced the necessary funds, viz. - - - - -

76,304 - -

but there having been remitted to the Bank by the Turkish Ambassador in March a sum of - - - - -

- 15,704 - -

the amount for which the English Government had to provide on the 18th of that month was - - - - -
together with a sum of - - - - -

60,600 - -
242 12 10

on account of interest, making a total of - - - - -

60,842 12 10

This sum, due on account of the dividend of February 1879, viz. -
together with the sum already stated to be due on account of the dividend of February 1878, viz. - - - - -

60,842 12 10

5,179 12 1

makes a total of - - - - -
for which the English and French Governments are jointly responsible,
and of which the moiety due from the French Government is - -

66,022 4 11

33,011 2 5½

Treasury, 1 May 1879.

I N D E X.

[*N.B.*—In this Index the Figures following the Names of the Witnesses, and those in the Analysis of Evidence of each Witness, refer to the Questions in the Evidence; the Figures following *App.* (*First Rep.*) and *App.* (*Second Rep.*) refer to the Pages in the Appendices; and the Numerals following *First Rep.* and *Second Rep.* to the Pages in the First and Second Reports respectively.]

A.

ADMIRALTY. See *Navy Accounts.*

Alston, Francis Beilby. (Analysis of his Evidence.)—Considerable progress made towards a settlement of the question as to the position of the Assistant Under Secretary of the Foreign Office in respect of the Superannuation Act; the matter has now been going on for three years, 30–34—Belief that the question at issue can be settled by the Treasury, without the necessity of an Act for the purpose, 35.

Admission as to the propriety of certain exceptions taken by the Audit Office in the matter of the expenditure of the Vote for the Diplomatic Services, 261. 269—Explanation of the practice in charging the expenditure upon buildings and gardens at foreign embassies; approval of a transfer of the expense to the Office of Works, 262–265.

Question at issue as to the mode of charging remuneration for certain services rendered by Sir Arnold Kemball; views of the Foreign Office in the matter, 270–273—Practice in charging for fuel, light, cleaning, &c., at foreign embassies; distinct arrangement in the case of the Paris Embassy, 275–277. 279–282.

Arrangement that in future the expenses for British cemeteries abroad will be charged to the Office of Works Vote, 283—Reference to the Treasury before any payments, outside the regulations, are made out of the Consular Vote in respect of distressed British subjects abroad; Treasury sanction given to existing regulations, 284–286.

Variance between the views of the Foreign Office and the Treasury as to the mode of charging rents and rent allowances in China; decision that in future the allowances shall be re-transferred to the Foreign Office Vote, 289—Belief that a sum of 973 *l.* 17 *s.* 11 *d.* under the Vote for Suppression of the Slave Trade has been surrendered to the Exchequer, 300, 301.

Appropriation Accounts. Principle established as to the Vote being taken by the Department which conducts the service, *Ryder* 225, 226; *Ryan* 227—System of cross-references from one vote to another by which the aggregate expenditure for each department might be shown, *Ryder* 227—Suggestions with a view to summarising the expenditure of each department, and showing it in the Report on the Account, *Ryan* 227.

Concurrence of the Committee in the view of the Treasury that a service should be administered by a department which can do so with the greatest economy and convenience, and that the department which administers a service should also estimate and account for its cost, *Second Rep.* viii.

Great importance of the total cost in connection with the services of any department being readily ascertained from the Appropriation Accounts; prospect of this object being effected, *Second Rep.* viii.

See also *Savings on Votes.*

ARMY ACCOUNTS :

1. *Treasury Letter to War Office with reference to Recommendations by the Public Accounts Committee of last Session.*
2. *Delay in the Presentation of the Army Appropriation Account for 1877–78.*
3. *Extended or Test Audit; provision of the required Accommodation for the Staff.*
4. *Question of a Test Audit of the Manufacturing and Store Accounts.*
5. *Charges defrayed by the War Office on Account of India.*
6. *Colonial Contributions in Aid of Military Expenditure.*
7. *Vote of Credit for the Russo-Turkish War.*
8. *Vote for the Number of Men.*
9. *Intelligence Department.*
10. *Explanations in Detail on Various Points.*

ARMY ACCOUNTS—continued.

1. *Treasury Letter to War Office with reference to Recommendations by the Public Accounts Committee of last Session :*

Letter from the Treasury to the War Office in September 1878, with reference to certain recommendations by the Select Committee of last Session, in respect of the Army Appropriation Account, *App. (First Rep.)* 40, 41.

2. *Delay in the Presentation of the Army Appropriation Account for 1877-78 :*

Explanation of the delay on the part of the Comptroller and Auditor General in not presenting the Army Appropriation Account and Report to the House till the 7th March, instead of the 15th February; facilities desirable with a view to earlier presentation in future years, *Ryan* 464, 465. 468-471.

Reference by the Committee to the delay in the presentation of the Account as not involving any blame to the Audit Department, *Second Rep.* xii—Importance of presentation within the prescribed period, and of the co-operation of the War Office for the purpose, *ib.*

3. *Extended or Test Audit; provision of the required Accommodation for the Staff:*

Regret expressed in Treasury letter of 28th September 1878, as to the delay in providing accommodation for the Test Audit Staff, *App. (First Rep.)* 30.

Suggestion with a view to expediting the work of the Audit Office in the examination of the Army Accounts, *White* 466, 467.

Doubt whether the detailed examination by the Audit Office staff at the War Office may not tend to delay the completion of the report, *Ryan* 472—The accommodation for the staff has now been provided and is sufficient, *ib.* 473, 474.

Incompleteness at present of the examination of the Appropriation Accounts of the Army and Navy Votes, *Welby* 642.

Reference to the explanatory papers attached to the Army Appropriation Account as not being verified by witness' department, though it may be taken that they are generally correct, *Ryan* 653-656—Extended examination to be carried out under the detailed test audit, *ib.* 654.

Satisfaction expressed by the Committee with the completion of the arrangements for the accommodation of the staff for the test audit, *Second Rep.* xii.

4. *Question of a Test Audit of the Manufacturing and Store Accounts :*

Great importance of the question of an extension of test audit to the manufacturing and store accounts of the army; very careful consideration required and being given by the Treasury to this question, *Welby* 642, 647—Explanation of the views of the Comptroller and Auditor General upon the question of a test examination as to the quantity and value of Army and Navy stores; he has at present no check whatever in the matter, *Ryan* 643-646.

Concurrence of the Committee in the view of the Treasury upon the question of the extension of the test examination to the manufacturing and store accounts, *Second Rep.* xv, xvi.

5. *Charges defrayed by the War Office on Account of India :*

Statement as regards certain War Office claims for charges defrayed on account of India, that since last year the claims have been abandoned, *Ryan* 692—Necessity of an excess vote for meeting the outstanding charge for the advances in question, *ib.* 693-695.

Reference to the arrangement under the Treasury Minute as having obviated the necessity of a detailed examination as to the amount claimed; approximate estimate of 150,000 l. as the amount remitted, *Ryan* 695-698. 718.

Settlement under Treasury Minute of War Office claims against India in respect of effective services up to 31st March 1879, the amount surrendered up to 31st March 1877 being estimated at from 100,000 l. to 150,000 l.; *Welby* 699-705—Large amounts still due by India in respect of non-effective services for the years 1875-76, 1876-77, and 1877-78, these amounts not being affected by the arrangement as regards effective services, *ib.* 701. 707-715.

Inquiry now being made by a Committee under the presidency of Lord Northbrook into the system of future payment by India for effective services, *Welby* 706—Arrangement being discussed between the Treasury of India as to the time of payment of the arrears for non-effective services, *ib.* 707-709.

Admission by the India Office of certain sums claimed by the War Office on account of non-effective services, *Minifie* 716, 717—Reference to certain claims for expenditure on account of effective services as not having undergone examination at the India Office, *ib.* 719.

Consideration

Reports, 1879—continued.

ARMY ACCOUNTS—continued.

5. *Charges defrayed by the War Office on Account of India*—continued.

Consideration to be given by the Treasury to the question of asking Parliamentary sanction for the remission of the claim upon India; difficulty through the precise amount not being actually established, *Welby* 721-724—Inquiry being made by Lord Northbrook's Committee as regards the capitation rate to be paid by India, *ib.* 725, 726—Intention to make arrangement for frequent periodical settlement of accounts, *ib.* 727-729.

Cause of the delay in the Report by the Comptroller and Auditor General in the matter of the claims upon India, *Ryan* 730, 731—Circumstances of witness' department having no information that a certain contingent account is included in the settlement of these claims, *ib.* 732.

Inability of witness at present to state whether two balances of 6,315 *l.* and 8,861 *l.* will be included in the settlement of the claims; prospect of this question being soon settled, *Welby* 733-736.

Treasury Minute, dated 19th February 1879, appointing committee to consider basis of charges between War Office and India Office, *App. (Second Rep.)* 56, 57.

Consideration by the Committee of the settlement in question; several grounds on which it is deemed to be exceedingly unsatisfactory, *Second Rep.* xvi—Very insufficient examination to which the expenditure has been subjected, *ib.*—Comment upon the long delay in the adjustment of the accounts, *ib.*—Advantage if the question as to the balances on the Indian Contingent Account and the Indian Miscellaneous Account had been decided before the settlement was made, *ib.*

Concurrence of the Committee in the view that Parliamentary sanction should be asked for as regards the remission of the claim due by the Indian Government, *Second Rep.* xvi.

Opinion of the Committee, as regards the arrears due by India for non-effective services, that an account should be presented annually to Parliament showing all arrears of payments due to the Exchequer as extra receipts, *Second Rep.* xvii.

6. *Colonial Contributions in Aid of Military Expenditure:*

Information relative to the steps taken with a view to fixing the amount of military contribution by the Colony of Ceylon; the claim as to pensions will not be lost sight of, *White* 491-498—Prospect of a settlement of the whole question of colonial contributions in aid of military expenditure, *ib.* 491.

Absence of application from Hong Kong for a reduced contribution, *White* 503—Completion of the payment by the Cape up to June 1878, *ib.* 504-506—Payment by Ceylon up to September 1878, the annual amount being 116,250 *l.*; *ib.* 507-509, 511.

Views of the Treasury, as expressed in letter of 25th September 1878, regarding the military contribution of the Colony of Ceylon, *App. (First Rep.)* 41.

Conclusion of the Committee as to the whole subject of colonial military contributions requiring close investigation, and being definitively settled without delay, *Second Rep.* xii.

7. *Vote of Credit for the Russo-Turkish War:*

Explanation relative to the expenditure charged against the Vote of Credit for the Russo-Turkish War, and the amount of excess upon the Army Votes in respect thereof, *White* 621-623, 627-629, 631-634.

Views of the Treasury as to the course pursued in taking from the vote of credit money on behalf of the Army Estimates without the expenditure being classified, *Welby* 624-626.

Objection by the Comptroller and Auditor General to the Vote of Credit for the Russo-Turkish War being made applicable to meet deficiencies on the ordinary Army Votes, *Ryan* 630, 631.

Grounds upon which the Vote of Credit for the Russo-Turkish war was applied to expenditure for shields, &c., *Nugent* 637-641—Exception taken as regards an expenditure for shields, &c., having been charged against the Vote of Credit, *Ryan* 639.

Grounds for the conclusion of the Committee that the course pursued as regards the Vote of Credit is objectionable, and that the Account should have shown a net deficit of 93,663 *l.* 8 *s.* 4 *d.* upon the ordinary grants, *Second Rep.* xv—Amended arrangement suggested in future when advances are made out of Votes of Credit in aid of the Grants for the ordinary services of the Army, *ib.*—Consideration of the circumstances under which the charge for shields and armour-plates has been made against the Vote of Credit, *ib.*

8. *Vote for the Number of Men:*

Statement as to the Audit Office not inquiring into the number of men for whom charge is made under Vote A., *Ryan* 512, 513.

ARMY ACCOUNTS—continued.8. *Vote for the Number of Men*—continued.

Opinion of the Committee that it is desirable Parliament should be informed by the Comptroller and Auditor General whether or not the Vote as to the number of men has been exceeded, *Second Rep.* xii.

9. *Intelligence Department* :

Views of the Treasury, as expressed in letter of September 1878, upon the question of a separate sub-head for expenditure on account of the Intelligence Department, *App. (First Rep.)* 40.

Facility of examination as regards the charge for the Intelligence Department if the whole expense was put under two separate sub-heads in two votes, *Ryan* 479-484. 490—Statement to the effect that the very special character of the charge for the Intelligence Department is practically at an end, the Department, however, being still maintained, *White* 485-489—View of the Treasury as to the special limit of 4,000 £ no longer applying to the Intelligence Department, *Welby* 486.

10. *Explanations in Detail on Various Points* :

Considerable difficulty experienced by witness' department through not having the regulations for army allowances in a classified form, *Ryan* 476—Explanation in reply to the foregoing, *White* 475. 477—Re-arrangement proposed by the Treasury as regards unclaimed residues of soldiers' effects, *Welby* 478.

Evidence explanatory of expenditure under the Vote for allowances to regiments of Foot Guards; degree of authority under Royal Warrant of 1846, *White* 514-523—Consideration of a suggestion by the Comptroller and Auditor General for a different plan of dealing with the charge for half-pay of lunatic officers, *ib.* 524, 525. 528—Grounds for the alteration proposed as regards the charge for half-pay of lunatic officers, *Ryan* 527. 529.

Explanation in reply to an objection raised by the Audit Office, as regards the travelling allowances to civilians employed at Woolwich Arsenal; the travelling regulations have since been revised, *White* 536, 537—Reference to the deficiency on the Vote for Gratuities for Long Service, as affected by fines for drunkenness; Treasury sanction in the matter, *ib.* 606, 607.

Information relative to the arrangement as regards the capitalisation of the pensions of men formerly in the service of the East India Company; number and amount of such pensions, *White* 613. 616, 617—Delay in the final adjustment of payments due to the Imperial Government through a claim on the Indian Government for interest; recent withdrawal of this claim, the question being now settled, *Welby* 614, 615. 619, 620—Omission in Parliament not having been informed of the capitalisation arrangement as regards the pensions payable by India, *ib.* 614.

Facility of showing in the Army Accounts the Supplementary Estimates distinct from the ordinary votes, *White* 648-651—Adoption by the War Office of Treasury directions as to the mode of dealing with the cost of building head quarter offices at York, *ib.* 750.

Consideration in detail by the Committee of various charges in the Army Appropriation Account, and of objections raised by the Audit Department, *Second Rep.* xii-xvi.

Concurrence of the Committee in the view of the Audit Department that the arrangement as to capitalisation of Indian pensions should have been brought to the knowledge of Parliament, *Second Rep.* xiv, xv—Prospect of early payment of the final balance, the claim for interest having been withdrawn, *ib.* xv.

See also *Chatham (Eastern Defences). Military Forces Localisation Act. Militia Officers. Powder Magazines. Submarine Mining Establishments. Woolwich Dockyard Railway.*

Army Purchase Commission. Concurrence of the Treasury with the Audit Office in the view that the Commissioners should obtain the receipt of officers entitled to compensation, before taking credit in the accounts for payments for compensation, *App. (First Rep.)* 42.

Audit of Accounts. See the Headings generally throughout the Index.

B.

Balances (Outstanding Claims). See *Navy Accounts*, 7.

Bethnal Green Museum. Grounds for dissenting from the view of the Comptroller and Auditor General that certain travelling expenses in connection with the Bethnal Green Museum should have come under the Vote for that museum instead of the Vote for South Kensington Museum, *MacLeod* 190-193.

Bethnal Green Museum—continued.

Want of information in the estimate which led witness' department to object to the mode of charging travelling expenses in connection with Bethnal Green Museum, *Ryan* 192.

Approval by the Committee of the course pursued as regards the charge for travelling expenses, *Second Rep.* v.

Board of Trade. Sanction received from the Treasury for charging the excesses on certain sub-heads of the Board of Trade Vote against the savings on another sub-head, *Stoneham* 47, 48—Legal powers of the Board as to the payment of the salaries of the examiners of masters and mates out of the Vote, *ib.* 46, 50—Intended introduction of an Act respecting the payment of fees for the examination of engineers, *ib.* 50, 51.

Settlement of the question as to the employment and remuneration of the salaried procurators fiscal. *Stoneham* 52, 53—Satisfaction of the Treasury with the arrangement in the foregoing matter, *Ryan* 54.

Belief as to the legality of the power exercised by the Board of Trade in revising the decision of the Naval Court in the case of the master of the "Reciprocity"; consent obtained from the Treasury as to the costs being remitted, *Stoneham* 55, 56—Practice of the Board not to append notes in explanation of costs being remitted, *ib.* 57—Approval on the part of the Treasury of a note being appended in certain cases of remission of costs by the Board of Trade, *Ryder* 58.

Treasury communication with the Board of Trade consequent upon the Reports of the Select Committee of 1878; *App. (First Rep.)* 30, 31.

Treasury Minute of 21st March 1879, as to the mode of providing for the salaries of examiners of masters and mates, *App. (Second Rep.)* 46.

Letter from the Board of Trade to the Treasury, dated 30th March 1878, relative to the remission of costs charged by a Naval Court at Callao against the master of the "Reciprocity," *App. (Second Rep.)* 55.

Legal opinion given as to the powers of the Board of Trade to pay the salaries of the examiners out of Vote 8, *Second Rep.* iv—Reference to the decision of the Treasury in reference to the procurators fiscal, *ib.*

Concurrence of the Committee in the view that an explanatory note should have been appended to the account in the case of the master of the "Reciprocity," *Second Rep.* iv.

See also *Merchant Seamen's Fund*.

Bow-street Police Court. Reference to a former estimate for Bow-street Police Court as having applied to the purchase only of the leasehold interest, *Mitford* 18–20.

British Museum. Consideration of the course pursued in discriminating between certain expenditure for the British Museum and in placing some of the charges under the Vote for that department and others under the Office of Works Vote, *Ryder* 220–223. 225, 226.

Reason for the exception taken by the Audit Office to the practice in charging certain expenditure for the British Museum under the Vote for the Museum, whilst cognate expenditure is charged under the Vote for the Office of Works, *Ryan* 224.

C.

Cape of Good Hope (Cost of Barracks). Question not yet settled as to any portion of the cost of barracks at the Cape being borne by the Colony; approval of this item appearing in the meantime as an outstanding balance, *White* 585–587. 590—Expediency of treating as a balance the charge for barracks at the Cape until it is settled whether any of the cost shall be borne by the Colony, *Ryan* 587–589.

Concurrence of the Committee in the view of the Audit Department as to the claim in question being recorded in the War Office books, *Second Rep.* xiv.

Ceylon (Military Contribution). See *Army Accounts*, 6.

Chatham (Eastern Defences, &c.) Contention of witness' department that the later Fortifications Acts omit a previous provision for the Eastern Defences at Chatham, and that no money should be expended for the purpose without the subsequent sanction of Parliament, *Ryan* 538, 539. 551–553. 556.

Statement relative to the omission from the Act 30 Vict. c. 24 (Chatham Defence Works), of a previous provision for the Eastern Defences, *White* 540–542—Explanatory statement on the part of the War Office as to the Parliamentary authority upon which certain expenditure was incurred upon the Eastern Defences at Chatham, *Nugent*, 543–550. 554, 555. 557–559.

View of the Comptroller and Auditor General that the estimate for the Chatham works

Reports, 1879—continued.

Chatham (Eastern Defences, &c.)—continued.

works did not clearly show what was intended to be done, *Ryan* 553.—Explanation in reply to an objection by the Audit Office that the real cost of the works proposed to be carried out is not brought to the notice of Parliament, *Nugent* 564-566. 568.

Concurrence of the Treasury in the action of the War Office in charging to the Defence Loan the cost of land at Chatham, though a portion of the works for which the land was acquired was for the time abandoned, *Welby* 567.—Reference to the provision for the purchase of certain lands at Chatham as having been distinct from the provision for the execution of works, *White* 568-571.

Statement as to the grounds of objection to the course pursued by the War Office in regard to the Eastern Defences at Chatham; reference especially to a certain Paper or Return as not obviating this objection, *Ryan* 572. 690.

Conclusion of the Committee that the Eastern Defences do not fall under the provision of Section 3 of the Act 32 & 33 Vict. c. 76, *Second Rep.* xiii.—Fuller information as to the course and extent of the proposed works should have been given in the Estimates, *ib.*

As regards the purchase of land the Committee consider that the sum expended is rightly charged against the loan, *Second Rep.* xiii.

Chelsea Hospital. Treasury letter to the Commissioners of Chelsea Hospital in September 1878 in reference to certain paragraphs in the Second Report of the Select Committee of 1878, *App. (First Rep.)* 42.

Explanation of the course pursued in charging the lodging allowance of an official of the hospital to the Drouly bequest, *Sir G. Hutt* 445, 446.

Authority upon which the rate of pay of the deputy surgeon of Chelsea Hospital was decided to be that of surgeon major, *White* 611.

Colonial Military Contributions. See *Army Accounts*, 6.

COLONIAL OFFICE AND CROWN COLONIES:

Explanation in connection with a question raised by the Audit Office as to the qualification of Assistant Under Secretaries in the Colonial Office, *Lewes* 36-40.—Prospect of an immediate settlement of an outstanding question as to the qualification of the Assistant Under Secretaries, *Ryder* 41.

Explanation that certain statements in Treasury letter to the Colonial Office, of 25th September 1878, are not admitted to be correct; letters on the subject from the Colonial Office to the Treasury in January and February 1879, *Lewes* 291 (*App.* 35. 47).

Treasury letter of 25th September 1878 to the Colonial Office with reference to the question of Treasury control over colonial expenditure, and the audit of colonial accounts; conclusions arrived at, *App. (First Rep.)* 35-37.

Special attention of the Comptroller and Auditor General called to the Treasury letter relative to the audit of the accounts of Crown colonies, *App. (First Rep.)* 43.

Return relative to colonies that have received grants-in-aid, as shown in the Appropriation Accounts and Estimates for each year from 1868-69 to 1878-79, *App. (First Rep.)* 44.

List of estimates of colonies receiving grants-in-aid, submitted to the Treasury since 1870, inclusive, *App. (First Rep.)* 45.

Returns of revenue, expenditure, and debt of colonies received in the Treasury since 1870, *App. (First Rep.)* 45, 46.

Copy of Treasury Minute, dated 29th July 1879, respecting the audit of various accounts including those of the colonies, *App. (First Rep.)* 46, 47.

Letter from the Colonial Office to the Treasury, dated 1st January 1879, upon the questions of Treasury control over colonial expenditure and Imperial audit of colonial accounts, *App. (First Rep.)* 47, 48.

Further letter from the Colonial Office, dated 26th February 1879, together with Memorandum as to the colonies, the Estimates of which might be sent to the Treasury for approval, and as to the colonies the returns of assets and liabilities of which should be sent for information, *App. (First Rep.)* 48, 49.

Letter from the Treasury to the Colonial Office, dated 11th April 1879, in further explanation of the course proposed as regards Treasury control over colonial expenditure and Imperial audit of colonial accounts, *App. (First Rep.)* 49-52.

Particulars promised to be furnished by the Treasury to the Audit Office respecting certain payments in the case of colonial docks, *Welby* 667.

Letter from the Colonial Office, in April 1879, in reply to Treasury letter of April 1879, upon the subject of Treasury control over colonial expenditure and Imperial audit of colonial accounts, *App. (Second Rep.)* 62, 63.

Comment

COLONIAL OFFICE AND CROWN COLONIES—continued.

Comment by the Committee upon the delay in the matter of the position of the Assistant Under Secretaries, *Second Rep.* iv.

Very imperfect way in which the arrangements for audit of the accounts of the colonies receiving grants-in-aid have been carried out, *Second Rep.* vii—Greater regularity hoped for from the clear instructions laid down in Treasury letter of 11th April 1879, *ib.*

Consular Services. Arrangement that in future the expenses for British cemeteries abroad will be charged to the Office of Works Vote, *Alston* 283—Variance between the views of the Foreign Office and the Treasury as to the mode of charging rents and rent allowances in China; decision that in future the allowances shall be re-transferred to the Foreign Office Vote, *ib.* 289.

Concurrence of witness' department with the Foreign Office as to the proper mode of charging certain rent allowances in China; contrary view taken by the Treasury, *Ryan* 290.

Concurrence of the Committee in the decision of the Treasury in the matter of rents and allowances in lieu of rents, *Second Rep.* vi.

See also *Relief of Distressed British Subjects.*

Convict Establishment. Belief as to Treasury authority having been received by the Convict Department for an increase of salary to a temporary clerk in Fremantle Prison, Western Australia; explanation expected from Australia on the subject, *Sir E. F. Du Cane* 166, 167—Vouchers also expected from Australia for a sum of 1*l.* 13*s.*, disallowed by the Audit Office, *ib.* 168, 169.

Explanation relative to an excess of Imperial expenditure in respect of colonial police; new arrangement now in force, there being a periodical decrease of charge, *Sir E. T. Du Cane* 172-174.

Conclusion of the Committee as to the net deficit in this case being 77*l.* 12*s.* 4*d.*, *First Rep.* iii, iv.

County Courts. Reference to the amount of county court extra receipts in the shape of fees, *Nicol* 82-85—Large deficit upon the County Courts Vote due to the great and rapid increase in the business, *ib.* 326, 327—The extra receipts were estimated at 388,030*l.*, but amounted to 430,641*l.*, *ib.* 326.

Account not yet received by the Audit Office from the registrar of the County Court at Newbury relative to moneys paid over by him to the treasurer of his court, *Ryan* 77.

Inability of witness to explain the non-rendering to the Audit Office of the account of the registrar of Newbury County Court; responsibility of the registrar to the treasurer of the court, *Nicol* 77-79, 87—Power of the Lord Chancellor (if he had been applied to by the Comptroller and Auditor General) to compel the registrar of the Newbury Court to send in his account, *ib.* 88-90.

Opinion that it is not the duty of witness' department to report to the heads of departments any failure to render accounts, *Ryan* 91.

Explanation and regret expressed by witness, as registrar of the County Court of Newbury, in regard to the non-rendering of an account of payments made by him to the treasurer of the court; blame attributable in the matter to witness' clerk, whom he has dismissed, *Pinniger* 322-325—The account in question shall be furnished without delay, *ib.* 325.

Reference by the Committee to the explanation given as to the cause of the last deficit on the Vote for the County Courts, *First Rep.* iii.

Courts of Justice. Explanation in connection with the fees paid in courts of justice, and the accounts thereof, *Ryder* 71-75.

Criminal Prosecutions, &c. Sanction of the Treasury as regards an increase of salaries under the Vote for Criminal Prosecutions, &c., *Ryder* 70.

D.

Deferred Payments. Recognition of the principle of deferred payment in the case of public works being executed under contract, *Welby* 233, 246.

Deficits on Votes. See *Excess of Expenditure.* **Savings on Votes.**

Diplomatic Services. Admission as to the propriety of certain exceptions taken by the Audit Office in the matter of the expenditure of the Vote for the Diplomatic Services, *Alston* 261, 269.

Reports, 1879—continued.

Dominica. Reason for not writing off a certain balance claimed from the Dominica Government, though the prospect of its recovery is exceedingly remote, *Welby* 751-754.

Dover (Admiralty Pier). Explanation in connection with the expenditure of a Supplementary Vote for 5,000 *l.* for repairing the damage done by storm to the Admiralty Pier at Dover, *Stoneham* 13-15.

Non-objection by the Comptroller and Auditor General to the course pursued in using the harbour dues in respect of certain expenditure at the Admiralty Pier, *Ryan* 16, 17.

Du Cane; Lieutenant Colonel Sir Edmond Frederick, R.E., K.C.B. (Analysis of his Evidence.)—Belief as to Treasury authority having been received by the Convict Department for an increase of salary to a temporary clerk in Fremantle Prison, Western Australia; explanation expected from Australia on the subject, 166, 167—Vouchers also expected from Australia for a sum of 1 *l.* 13 *s.*, disallowed by the Audit Office, 168, 169.

Statement as regards the sale of the yacht "Victoria," that the Colonial Office is the department to supply information, 170—Explanation relative to an excess of Imperial expenditure in respect of colonial police; new arrangement now in force, there being a periodical decrease of charge, 172-174.

E.

EDUCATION DEPARTMENT:

1. *Official Explanations relative to the Action of the Department on various Points.*
2. *Views of the Audit Office and Treasury.*
3. *Conclusions of the Committee.*

1. *Official Explanations relative to the Action of the Department on various Points:*

Discretionary power claimed by the Education Department under the new code of 1871 in making or withholding grants to schools, though the specified conditions may not be strictly fulfilled, *Sir F. R. Sandford* 96-108. 110-114. 116-119—Explanation in connection with an exceptional instance of the average school fee having exceeded 9 *d.* a week; departure from the usual practice of the department in this case, *ib.* 116-119.

Statement in reply to the objection raised by the Audit Office, that in some cases grants had been made, although the school accounts had not been audited; explanation as to the inspector having testified, save in one instance, that the accounts were audited, though the certificate had not been signed, *Sir F. R. Sandford* 120-124.

Grounds for the course pursued by the department in not always requiring a medical certificate when a school has been closed through a local epidemic, *Sir F. R. Sandford* 125, 126. 128-130—Discretion exercised by the department in sometimes exceeding the prescribed limits of age in connection with the rates of pay, *ib.* 131, 132.

Varying practice as to the per-centage of scholars to be presented for examination in the higher standards, *Sir F. R. Sandford* 133, 134. 136—Explanation of a mistake by which some children who ought to have been presented in the infant school were not so presented, *ib.* 137.

Misconstruction put upon a new article in the code in not enforcing the repayment of some sums which were overpaid, *Sir F. R. Sandford* 138—New article put into the code allowing the grant to be refused under certain circumstances, *ib.* 139.

Considerable discretion exercised by the department in not enforcing the supplementary rules so stringently as the articles of the code, *Sir F. R. Sandford* 140-146—Practice of not deducting till the following year small overpayments under 1 *l.* made to any schools out of the Vote, *ib.* 147, 148.

Statement in justification of the practice of the Education Department in not always paying into the Exchequer within the year, or crediting the Vote with small over-payments made to schools out of the annual grant, *Tucker* 150-152—The result would scarcely be commensurate with the labour involved, *ib.* 151.

Necessary exercise of discretion under the code as to the conditions under which grants have been made towards school sites, *Sir F. R. Sandford* 154.

Explanation as to witness' department having objected to discuss with the Audit Office the special grounds upon which teachers at certain schools in Scotland were allowed to be employed also as clerks or treasurers to school boards, *Sir F. R. Sandford* 155-160. 163—Sufficient security under the School Sites Act in the matter of grants to sites in Scotland, irrespectively of the provisions in leases, *ib.* 164, 165.

2. *Views*

Reports, 1879—continued.

EDUCATION DEPARTMENT—continued.

2. *Views of the Audit Office and Treasury :*

Doubt as to the course likely to be taken by the Treasury in respect of grants by the Education Department without the specified conditions having been strictly complied with, *Ryder* 109.

Duty of the Audit Office to call attention to the fact of the Education Department not having complied with requirements laid down by Parliament as regards grants to schools, *Ryan* 115—Absence of evidence before the Audit Office that certain school accounts had been audited before payment of grants, *ib.* 123.

Reason for the objection raised by the Comptroller and Auditor General that a medical certificate had not been produced in all cases of schools closed on account of local epidemic, *Ryan* 127—Exception taken to the want of uniform action in the Education Department as regards the per-centage of scholars examined in the higher standards, *ib.* 135.

View of the Audit Office that the supplementary rules attached to the Education Code should be enforced in the same way as the code itself, *Ryan* 144.

Inconvenience if very small over-payments to schools must always be credited by the Vote for the year, or treated as Exchequer Receipts within the year, *Ryder* 149—Grounds for the objection by the Comptroller and Auditor General to the course pursued by the Education Department, in dealing with small over-payments to schools without crediting them to the Vote for the year; alternative plan suggested, *Ryan* 149. 152, 153.

Comment upon the refusal of the Department to state that they were satisfied that special grounds existed for recognising the employment of teachers at schools in Scotland as clerks to the local boards, *Ryan* 161, 162.

3. *Conclusions of the Committee :*

Opinion of the Committee that the wording of the code should be carefully revised, if it is necessary that the Department should continue to have discretionary authority, *Second Rep.* iv, v—This consideration applies to the supplementary rules, *ib.* v.

Doubt whether the method of accounting suggested by the Audit Office with respect to over-payments could be applied without an undue amount of labour, *Second Rep.* v.

Regret expressed by the Committee as to the refusal of the information asked for by the Comptroller and Auditor General in regard to the employment of school teachers as clerks to School Boards, *Second Rep.* vi.

Embassy Houses. Information relative to the delay in settlement of claims upon the Indian Government in aid of rents of British Embassy and Consular Houses in China, *Mitford* 23-25—Explanation of practice in charging the expenditure upon buildings and gardens at foreign embassies; approval of a transfer of the expense to the Office of Works, *Alston* 262-265.

Expediency of uniformity of principle as to the department which should deal with such expenditure as maintenance of buildings, &c., at foreign embassies, *Welby* 266-268—Opinion that the Vote for Embassy Buildings should include all charges for fuel, light, cleaning, &c., *Ryan* 274. 278—Practice in charging for fuel, light, cleaning, &c., at foreign embassies; distinct arrangement in the case of the Paris Embassy, *Alston* 275-277. 279-282.

Deprecation by the Committee of the long delay in the settlement of the accounts, *Second Rep.* iii.

Excess of Expenditure. Satisfaction expressed by the Committee at the manner in which excesses of grants have been gradually diminished from year to year, *First Rep.* iv.

See also Savings on Votes.

Extra Receipts. Regret expressed by the Treasury in September 1878, that they were unable to submit to the Committee of last Session a scheme for dealing with the general subject of Exchequer Extra Receipts, *App. (First Rep.)* 38—Considerable progress made in 1878 towards the end in view through the medium of a Departmental Committee on the subject, *ib.*

Difficulty in explaining the term "extra receipts"; it is used generally as applying to fees, &c., *Ryan* 86.

Steps taken by the Treasury for arriving at a definite scheme in the matter of extra receipts; delay pending the receipt of the opinion of Sir Erskine May on the subject, *Welby* 355.

Postponement by the Committee of any observations on the question of Exchequer Extra Receipts in view of the proposal expected to be made by the Treasury on the subject during the present Session, *Second Rep.* xviii.

Extra Remuneration (Salaried Officers). Satisfaction expressed by the Treasury with the approval given by the Select Committee of 1878 to the directions laid down in Treasury Minute of 31st October 1877, upon the subject of payment to the same officers from two or more departments, *App. (First Rep.)* 38.

F.

Fees. See *County Courts.* *Courts of Justice.* *Extra Receipts.* *Queen's Colleges.*

Fiji. Cause of the delay in taking steps for raising a loan of 130,000 £ in respect of Fiji, *Lewes* 294—Information relative to a sum of 5,000 £ added to the last Vote for Fiji in order to meet the expenses of the High Commissioner, *ib.* 295-298.

Foreign Office. Treasury communication with the Foreign Office in September 1878 consequent upon the Reports of the Select Committee of 1878 and the recommendations therein, *App. (First Rep.)* 34.

Considerable progress made towards a settlement of the question as to the position of the Assistant Under Secretary of the Foreign Office in respect of the Superannuation Act; the matter has now been going on for three years, *Alston* 30-34—Belief that the question at issue can be settled by the Treasury without the necessity of an Act for the purpose, *ib.* 35.

Correspondence going on between the Treasury and Foreign Office respecting the position of the Assistant Under Secretary under the Superannuation Act, *Welby* 448-450.

Points still under discussion with respect to the appointment of the Assistant Under Secretaries of State at the Foreign Office and Colonial Office, *Welby* 683-685.

Comment by the Committee upon the delay in the matter of the position of the Assistant Under Secretary, *Second Rep.* iii.

See also *Embassy Houses.* *Kemball, Sir Arnold.*

Fortifications (Defences Loan). Hope expressed by the Treasury in letter of 25th September 1878 that this account will not remain open much longer, *App. (First Rep.)* 41.

Expected closing of the Fortifications Defences Loan Account on 31st March 1880, Treasury sanction being previously obtained for excesses; anticipated saving on the whole of about 8,000 £, *Nugent* 737-743.

Furniture (Public Buildings). See *Office of Works, &c.* *Science and Art Department.*

G.

Gadban and Watson, Messrs. See *Navy Accounts*, 5.

Grants-in-Aid. See *Colonial Office and Crown Colonies.*

H.

"*Hamidie*," *The.* See *Navy Accounts*, 5.

Hamilton, Robert George Cruikshank. (Analysis of his Evidence.)—Considerable difficulty in keeping an account showing exactly the debts of seamen and marines afloat; communication between the Admiralty and the Treasury on the subject, 351—Explanation as to the cost of torpedoes having been charged against both the War Office and Admiralty Votes, 356-361.

Circumstance of Treasury sanction not having been applied for by the Admiralty for a certain charge against naval funds; for similar items in future sanction will be applied for, 364, 365—Concurrence in the view of the Audit Office as to the improvement required in the subdivisions of the Vote for Freight of Ships, &c., 368, 369.

Consideration of a certain objection by the Comptroller and Auditor General as to the conveyance of troops coastwise being charged sometimes to Navy Votes and sometimes to Army Votes; intention of the Admiralty to consider this question, 370-372. 374-376—Re-arrangement of sub-heads by which in future repairs of engines will come under one sub-head, 377.

Explanatory statement as to the Admiralty not having deemed it necessary to apply for Treasury sanction for some small expenditure on building repairs unprovided for in the Estimate, 381, 382. 385-390—Intended discontinuance of the practice of taking credit for machinery transferred from one yard to another, 392.

Statement

Reports, 1879—continued.

Hamilton, Robert George Cruikshank. (Analysis of his Evidence)—continued.

Statement in reply to the point raised by the Audit Office as to a formal receipt not having been given by the Turkish Ambassador for the purchase of the "Superb," 393-395—Explanation as to there not being a regular price-list of the stores purchased in the case of the "Independencia," 398.

Information relative to a certain payment in connection with the purchase of the "Hamidie," 399, 400, 403, 404—Reply to the objection of the Audit Office that full information was not supplied in the matter of a certain payment to Mr. Wills, 406, 409, 410.

Steps to be taken with the view of the Admiralty ledger showing the total amount of claims raised, 413, 414—Difficulty of the Admiralty as to the mode of charging a sum of 224 l. 16 s. 11 d., the Treasury objecting to meet the charge out of Civil Contingencies, 415, 419-421.

Explanation relative to the balance not surrendered in respect of receipts for the expenses of naval cadets in training ships, 422, 423—Information relative to certain other balances, and the steps for paying them over and closing the accounts, 424-433—Reference to a charge in the Navy Vote for the salary of an Admiralty clerk, who is at the Colonial Office as private secretary to Sir Michael Hicks Beach, 434, 435.

Heligoland. Difficulty in arranging as to the Heligoland Accounts till the Governor comes to England, *Lewes* 292, 293.

Honduras (Military Contribution). Conclusions of the Treasury, as set forth in letter in September 1878, relative to the contribution of this Colony, *App. (First Rep.)* 41.

House of Commons Offices. Net deficit of 1 l. 19 s. 3 d. upon this Vote, *First Rep.* iii.

House of Lords Offices. Letter from the Treasury to the Clerk of the Parliaments, endorsing a certain recommendation made by the Select Committee of 1878 in reference to the payment for retired allowances being shown in the account, *App. (First Rep.)* 32.

Expediency of the sums paid under the Vote for House of Lords Offices in respect of superannuation allowances out of extra receipts being set forth in the account, *Mills* 28, 29.

I.

"*Independencia*," *The.* Explanation as to there not being a regular price list of the stores purchased in the case of the "Independencia," *Hamilton* 398.

India Office (Accounts with Imperial Government). Treasury letter of 25th September 1878 with reference to the undue delay in the settlement of accounts between the Home and Indian Governments, *App. (First Rep.)* 37, 38.—See also *Army Accounts*, 5.

Intelligence Department (Army). See *Army Accounts*, 9.

K.

Kemball, Sir Arnold. Explanation of the question at issue as to the mode of charging remuneration for certain services rendered by Sir Arnold Kemball; views of the Foreign Office in the matter, *Alston* 270-273.

Communication going on between the Treasury and War Office relative to the mode of charging for certain services of Sir Arnold Kemball, *Welby* 271.

Prospect of speedy settlement of the question as to the mode of charging the allowances to Sir Arnold Kemball, *Welby* 453.

Decision arrived at in the matter of Sir Arnold Kemball's allowances, *Welby* 687.

Letters from the Treasury to the War Office and Foreign Office, dated 16th April 1879, to the effect that the salary in question may be charged to Army Funds, *App. (Second Rep.)* 55, 56.

L.

Land Registry Office. Net deficit of 22 l. 3 s. 5 d. upon the Vote for this service, *First Rep.* iii.

Landed Estates Court (Ireland). See *Surveys, &c.*

Lewes, John S. (Analysis of his Evidence.)—Explanation in reference to a question raised by the Audit Office as to the qualification of the Assistant Under Secretaries in the Colonial Office, 36-40.

Lewes, John S. (Analysis of his Evidence)—*continued.*

Explanation that certain statements in Treasury Letter to the Colonial Office, of 25th September 1878, are not admitted to be correct; letters on the subject from the Colonial Office to the Treasury in January and February 1879; 291; (*App.* 35. 47).

Difficulty in arranging as to the Heligoland Accounts till the Governor comes to England, 292, 293—Cause of the delay in taking steps for raising a loan of 130,000 *l.* in respect of Fiji, 294—Information relative to a sum of 5,000 *l.* added to the last Vote for Fiji, in order to meet the expenses of the High Commissioner, 295-298.

Loans for Drainage of Lands. The advances in respect of loans for drainage of lands are practically at an end, *Welby* 668.

Local Government Board (Ireland). Omission on the part of the Treasury in not supplying information to the Local Government Board (Ireland), with a view to a certain note being appended to the account, *Ryder* 65, 66.

M.

MacLeod, Norman. (Analysis of his Evidence.)—Reference to certain correspondence with the Treasury in connection with a small payment to an officer of the Science and Art Department, which was disallowed by the Audit Office; arrangement proposed by the Treasury, 175—Belief as to the payment of certain professors' fees in the department having been known to the Treasury; inquiry expected, 177-180.

Statement as to the department having paid 50 *l.* towards fire insurance of certain buildings belonging to the Commissioners of the Exhibition of 1851; Treasury sanction received, 185-189—Grounds for dissenting from the view of the Comptroller and Auditor General that certain travelling expenses in connection with the Bethnal Green Museum should have come under the Vote for that Museum, instead of the Vote for South Kensington Museum, 190-193.

Reply to the objection raised by the Audit Office that the charge for spirits, chemicals, &c., was placed against the sub-head for incidental expenses, 194-199—Reference to a payment of 175 *l.* to Mr. Woodward as not having been the cause of an excess of the sub-head under which it was charged, 204.

Explanation as to the steps taken to comply with the rules laid down by the Treasury in the case of a large number of extra payments and allowances to officers employed in other departments, 205-215—Grounds for the course adopted in charging payments for rent, furniture, fuel, &c., to the Vote for Science and Art, instead of to the Vote for the Office of Works, 216. 219.

Maidenhead, Borough of. Decision soon expected in the matter of a Treasury claim upon the borough of Maidenhead, *Welby* 755, 756.

Malta (Purchase of Land). Steps taken by the Treasury in reference to the purchase of land at Malta, as made out of the Army Votes, *App. (First Rep.)* 41.

Manufacturing and Store Accounts (Army). See *Army Accounts*, 4.

Maps (Landed Estates Court). See *Surveys (United Kingdom).*

Merchant Seamen's Fund. Explanation in reference to some illegal contributions received by the Board of Trade towards the Merchant Seamen's Fund; intention to rectify the matter by means of a Bill in the present Session, *Stoneham* 303-307.

Military Forces Localisation Act. Views of the Treasury, as set forth in letter of 25th September 1878, relative to the expenditure for this service, and the improved regulations desirable, *App. (First Rep.)* 41, 42.

Question raised by the Audit Office as to the classification of a certain charge in the Military Forces Localisation Account, *White* 744, 745—Arrangement by the Treasury in Minute of September 1878, as regards certain expenditure at Aldershot under the Act, *Ryan* 747—Explanation relative to the settlement by the Treasury in the matter of expenditure at Aldershot, *Welby* 748, 749.

Militia Officers. Statement as to the Army Regulations not being applicable in the case of militia officers; explanation especially in the matter of lodging allowances, *White* 530, 531. 535—A complete set of Militia regulations will shortly be issued, *ib.* 535.

View of the Audit Office as to the Royal Warrant of April 1862 applying to militia officers' lodging allowances, *Ryan* 532-534—Explanation that the Secretary of State for War has power to authorise the concurrent issue of field and lodging allowances to militia officers, *ib.* 689.

Mills,

Reports, 1879—continued.

Mills, Richard. (Analysis of his Evidence.)—Explanation on the part of the Treasury as to the course pursued in connection with a small excess payment in respect of Spiddle Pier, under the Vote for Public Buildings, Ireland, 21, 22—Expediency of the sums paid under the Vote for House of Lords Offices in respect of superannuation allowances out of extra receipts being set forth in the account, 28, 29.

Minifie, William. (Analysis of his Evidence.)—Admission by the India Office of certain sums claimed by the War Office on account of non-effective services, 716, 717—Reference to certain claims for expenditure on account of effective services as not having undergone examination at the India Office, 719.

Mint, The. View of the Treasury as to certain small payments under the Vote for the Mint being properly chargeable to the Sub-head for Incidental Expenses, *Ryder* 61, 62.

Mitford, Algernon Bertram. (Analysis of his Evidence.)—Omission in witness' department in not appending to the estimate in respect of Royal Parks and Pleasure Grounds any Vote on account of extra remuneration paid to officers in the department, 3-5—Explanation in connection with a charge of 826 *l.* 18 *s.* 7 *d.* for legal expenses in connection with Westminster Bridge Approaches, 6-8.

Reference to a former estimate for Bow-street police court as having applied to the purchase only of the leasehold interest, 18-20—Information relative to the delay in settlement of claims upon the Indian Government in aid of rents of British embassy and consular houses in China, 23-25.

Model Farms (Ireland). Reason for charging the expenditure in respect of model farms, Ireland, against the Vote for Public Education, Ireland, *Ryder* 228.

N.

National Gallery (Ireland). Explanatory statement of the views of the Treasury as to the course to be pursued in the expenditure of the Vote for the National Gallery of Ireland, and in undertaking liabilities and deferring payments for pictures, on certain conditions, *Welby* 229-245—Grounds for the question raised by the Comptroller and Auditor General in the matter of the expenditure under the Vote for the National Gallery, Ireland, *Ryan* 247.

Letter from the Treasury in September 1878 to the effect that all possible care be taken in future not to exceed the grants of Parliament, and to observe the prescribed conditions for the appropriation of savings, *App. (First Rep.)* 34.

Concurrence of the Committee in the view put forward by the Comptroller and Auditor General, *Second Rep.* vi—Expediency of the accounting officer being required to append a note to the Appropriation Account stating the particulars of any liability incurred beyond the grants, *ib.*

NAVY ACCOUNTS:

1. *Treasury Action consequent upon Recommendations by the Public Accounts Committee of 1878.*
2. *Debts of Seamen and Marines Afloat.*
3. *Conveyance of Troops Coastwise.*
4. *Question of Treasury Sanction for Building Repairs.*
5. *Payment to Messrs. Gadsby and Watson.*
6. *Payment to Mr. Wills.*
7. *Other Explanations on various Items in the Accounts for 1877-78.*
8. *Conclusions of the Committee on various Points.*

1. *Treasury Action consequent upon Recommendations by the Public Accounts Committee of 1878:*

Communication of the Treasury with the Admiralty in September 1878 in reference to the steps to be taken consequent upon certain paragraphs in the Second Report of the Select Committee of 1878; *App. (First Rep.)* 39, 40.

2. *Debts of Seamen and Marines Afloat:*

Considerable difficulty in keeping an account showing exactly the debts of seamen and marines afloat; communication between the Admiralty and the Treasury on the subject, *Hamilton* 351.

Explanation of the views of witness' department upon the mode in which the debts of seamen and marines are credited; expediency of an improved arrangement, *Ryan* 352, 353.

The Treasury has not yet come to a decision as to the mode of account in respect of the debts of seamen and marines afloat, *Welby* 354.

NAVY ACCOUNTS—continued.

3. *Conveyance of Troops Coastwise:*

Consideration of a certain objection by the Comptroller and Auditor General as to the conveyance of troops coastwise being charged sometimes to Navy Votes and sometimes to Army Votes; intention of the Admiralty to consider this question, *Hamilton* 370-372. 374-376.

Grounds for the exception taken as regards the twofold mode of charging the cost of conveyance of troops between ports in the United Kingdom, *Ryan* 373. 376.

4. *Question of Treasury Sanction for Building Repairs:*

Explanatory statement as to the Admiralty not having deemed it necessary to apply for Treasury sanction for some small expenditure on building repairs unprovided for in the estimate, *Hamilton* 381, 382. 385-390.

View of the Audit Office as to the necessity of Treasury sanction for Admiralty expenditure on new works in excess of estimate, *Ryan* 383.

Concurrence with the Audit Office as to the duty of the Admiralty to apply for Treasury sanction for new works or repairs in excess of estimate, *Welby* 384. 391.

5. *Payment to Messrs. Gadban and Watson:*

Particulars relative to the payment of certain charges of Messrs. Gadban and Watson in connection with the purchase of the "Hamidie" from the Turkish Government, *Hamilton* 399, 400. 403, 404.

Non-objection by the Treasury to the course pursued by the Admiralty as regards a certain payment in the matter of the purchase of the "Hamidie," *Welby* 401—Reason for the question raised by witness' department in respect of the payment to Messrs. Gadban and Watson, *Ryan* 402, 405.

6. *Payment to Mr. Wills:*

Reply to the objection of the Audit Office that full information was not supplied in the matter of a certain payment to Mr. Wills, *Hamilton* 406. 409, 410.

Statement relative to the sanction given by the Treasury to an Admiralty payment to Mr. Wills under the Sub-head of Purchases of Ships, &c., *Welby* 407, 408.

Grounds for objecting to the course pursued in the matter of a certain payment to Mr. Wills charged to "Purchase of Ships," *Ryan* 411.

7. *Other Explanations on various Items in the Accounts for 1877-78:*

Circumstance of Treasury sanction not having been applied for by the Admiralty for a certain charge against naval funds; for similar items in future sanction will be applied for, *Hamilton* 364, 365—Explanation as to Treasury sanction for a certain charge against naval funds not having been insisted upon by the Treasury, *Welby* 366, 367.

Concurrence in the view of the Audit Office as to the improvement required in the sub-divisions of the Vote for Freight of Ships, &c., *Hamilton* 368, 369—Re-arrangement of sub-heads by which in future repairs of engines will come under one sub-head, *ib.* 377.

Opinion that a charge for freight of provisions to British Columbia in 1870 might have been met from Civil Contingencies, *Ryan* 378, 379—View of the Treasury that payments for freight of provisions to British Columbia in 1870 had better be left as a naval charge, *Welby* 380.

Intended discontinuance of the practice of taking credit for machinery transferred from one yard to another, *Hamilton* 392—Steps to be taken with the view of the Admiralty ledger showing the total amount of claims raised, *ib.* 413, 414.

Difficulty of the Admiralty as to the mode of charging a sum of 224 l. 16 s. 11 d., the Treasury objecting to meet the charge out of Civil Contingencies, *Hamilton* 415. 419-421—View of the Treasury in declining to sanction a charge upon Civil Contingencies in respect of an irregular Admiralty payment of 224 l. 16 s. 11 d., *Welby* 417, 418.

Explanation relative to the balance not surrendered in respect of receipts for the expenses of Naval Cadets in training ships, *Hamilton* 422, 423—Information relative to certain other balances, and the steps for paying them over and closing the accounts, *ib.* 424-433.

Reference to a charge in the Navy Vote for the salary of an Admiralty clerk, who is at the Colonial Office as private secretary to Sir Michael Hicks Beach, *Hamilton* 434, 435—Explanation that it is in accordance with rule that an Admiralty clerk, now employed at the Colonial Office as private secretary, still receives a salary from the former department, *Purnell* 436-441; *Welby* 442.

8. *Conclusions*

Reports, 1879—continued.

NAVY ACCOUNTS—continued.

8. *Conclusions of the Committee on various Points:*

Consideration by the Committee of the several objections raised by the Audit Office in respect of various charges in the Navy Appropriation Account, *Second Rep.* ix–xi.

Expediency of Treasury sanction before payments are made of an unusual character, and charged against naval funds, *Second Rep.* x.

Concurrence of the Committee in the view that in the case of new works, improvements, and repairs, the sum provided for the year for each work should not be exceeded without the assent of the Treasury, *Second Rep.* x.

Concurrence of the Committee with the Audit Office in the opinion that payments for a secret service should be met from the portion of the Secret Service Vote assigned to the Admiralty, *Second Rep.* xi.

Proper charge against the Vote in the case of the payment to Messrs. Gadban and Watson, *Second Rep.* xi.

Satisfactory reduction in the number of outstanding claims, through the examination by the Audit Office, *Second Rep.* xi.

Concurrence in the objection of the Treasury as regards the mode of assisting charitable institutions by issues of naval stores on credit, *Second Rep.* xi.

Expediency of losses from the abandonment of certain claims being brought to the notice of Parliament in future Appropriation Accounts; steps being taken with this object, *Second Rep.* xi.

Concurrence in the view that the sum of 224 L. 16 s. 11 d., cannot be properly regarded as a charge against the Colonial Office, *Second Rep.* xi.

See also "*Superb*," *H.M.S. Torpedoes*.

Newbury County Court. See *County Courts*.

Nicol, Henry. (Analysis of his Evidence.)—Inability of witness to explain the non-rendering to the Audit Office of the account of the Registrar of Newbury County Court; responsibility of the registrar to the treasurer of the court, 77–79. 87—Reference to the amount of county court extra receipts in the shape of fees, 82–85—Power of the Lord Chancellor (if he had been applied to by the Comptroller and Auditor General), to compel the Registrar of the Newbury Court to sent in his account, 88–90.

Reference to the large deficit upon the County Courts Vote as due to the great and rapid increase in the business, 326, 327.

Nugent, Colonel Charles, C.B. (Analysis of his Evidence.)—Explanatory statement on the part of the War Office as to the Parliamentary authority upon which certain expenditure was incurred upon the Eastern Defences at Chatham, 543–550. 554, 555–557–559—Explanation in reply to an objection by the Audit Office that the real cost and extent of the works proposed to be carried out is not brought to the notice of Parliament, 550–552—Grounds for the conclusion that the cost of certain lands at Chatham should all be defrayed out of the Defence Loan, though some of the works were temporarily abandoned, 564–566. 568.

Information relative to the action of the War Office as regards the expenditure in respect of Submarine Mining Establishments, and the course pursued in taking consecutive Votes for small amounts, 591, 592. 594–598—Explanation relative to the expenditure under the Vote for new powder magazines on the Medway, 599–604—Grounds upon which the Vote of Credit for the Russo-Turkish War was applied to expenditure for shields, &c., 637–641.

Expected closing of the Fortifications Defences Loan Account on 31st March 1880, Treasury sanction being previously obtained for excesses; anticipated saving on the whole of about 8,000 L.; 737–743.

O.

Office of Works and Public Buildings. Policy of the Treasury to collect charges of departments for rent, &c., under the Public Buildings Vote; omission in the case of the Local Government Board (Ireland), *Ryder* 67, 68—View of the Comptroller and Auditor General that the rents paid by different departments should all come under the Vote for Rents, &c., *Ryan* 69.

Principle of providing in the Vote for those services which are really conducted by the Office of Works, *Ryder* 225, 226; *Ryan* 227—Alteration suggested in the mode of keeping the Works Account so as to show under each department the amount expended for its furniture, *Ryan* 227.

Office of Works and Public Buildings—continued.

Memorandum by the Treasury, dated 26th March 1879, relative to charges connected with buildings, such as rent, furniture, fuel, light, &c., included in other Votes than those of Class I., *App. (Second Rep.)* 43-45—Conclusions of the Treasury as to the general considerations to be borne in mind in dealing with the foregoing questions, *ib.* 45—The Treasury allows weight to the argument for uniformity, but attaches more to the plea of utility, *ib.*

Consideration by the Committee of the want of uniformity in the mode of charging the expenditure in connection with public buildings, *Second Rep.* viii—Concurrence of the Committee in the view of the Treasury that a service should be administered by a department which can do so with the greatest economy and efficiency, *ib.*

See also *British Museum. Science and Art Department.*

Ottoman Loan of 1855. Information relative to certain arrears in the payment of interest by Turkey and Egypt on the Imperial Ottoman Loan of 1855; application made to the French Government for their moiety of the amount outstanding, *Welby* 659-666.

Further explanation with reference to the question of payment of the interest on the Ottoman Loan of 1855, the French Government having paid over a sum of 33,011 l. 2 s. 5 d.; balance still due from the Khedive, *Welby* 764-768.

Copy of memorandum on the Ottoman Guaranteed Loan of 1855 prepared by the Treasury for the information of the French Government, *App. (Second Rep.)* 63, 64.

P.

Paris International Maritime Exhibition. Receipt by the Audit Office of vouchers more than covering the amount (77 l. 3 s. 10 d.) required to be vouched, *Ryan* 321.

Explanation on the part of the Treasury in September 1878 that the outstanding claim against Mr. Johnson has been placed in the hands of the solicitor to the Treasury, *App. (First Rep.)* 38.

Phoenix Park National School (Dublin). Treasury letter to the Board of Public Works, Ireland, with reference to the payments for salaries and premiums at the Phoenix Park National School, *App. (First Rep.)* 31, 32.

Phoenix Park Riots (1871). Final payment made in connection with the Phoenix Park Riots of 1871; explanation as to this expenditure not having been specifically put in the estimate, *Ryder* 92-95.

Pinniger, James Cockburn. (Analysis of his Evidence.)—Explanation and regret expressed by witness, as Registrar of the County Court of Newbury, in regard to the non-rendering of an account of payments made by him to the treasurer of the court; blame attributable in the matter to witness' clerk, whom he has dismissed, 322-325—The account in question shall be furnished without delay, 325.

Portarlinton (Incumbent of St. Paul's). Explanation with respect to the Consolidated Fund Account, as to the payment to the incumbent of St. Paul's at Portarlinton having become illegal, *Welby* 657, 658.

POST OFFICE:

Treasury communication with the Post Office, in September 1878, consequent upon certain paragraphs in the Second Report of the Select Committee of last Session, *App. (First Rep.)* 39.

Arrangement being completed as regards the examination of the London District and Provincial Post Office Accounts as to Treasury authority, *Welby* 330.

Concurrence of the Treasury in a letter recently received from the Post Office in favour of maintaining the present system of remunerating sub-postmasters and receivers, *Welby* 330—Different modes of payment of sub-postmasters and receivers; reference hereon to the objections raised by the Audit Office, *Ryan* 331, 332.

Prospect of action being soon taken by the Treasury as regards the excess cost of management of Government annuities and insurances by the Post Office, *Welby* 334-337.

Explanation as to the views of the Comptroller and Auditor General with respect to the employment of persons in provincial post offices before they have received Civil Service certificates, *Ryan* 338, 339—Explanation and defence of the present course in the employment of rural messengers, and in their examination by the local postmasters, *Blackwood* 340-346.

Prospect of a speedy settlement of the question whether the Post Office will have to go to arbitration with the Royal Mail Steam Packet Company, *Blackwood* 348, 349.

Satisfaction

Reports, 1879—continued.

POST OFFICE—continued.

Satisfaction of the Audit Office as regards the Treasury decision in the matter of postmasters' salaries, *Ryan* 457, 458.

Letter from the Treasury to the Postmaster General, dated 3rd March 1879, relative to the remuneration of sub-postmasters and receivers, *App. (Second Rep.)* 47—Letter in reply from the Postmaster General, dated 8th March 1879; details and suggestions therein relative to the question at issue, *ib.* 47-50.

Further letter from the Treasury, dated 18th March 1879; concurrence expressed in the arguments of the Postmaster General against a system of fixed salaries in lieu of the present mode of remuneration, *App. (Second Rep.)* 50—Letter from the Treasury to the Audit Office, dated 18th March 1879, in accordance with the foregoing conclusion, *ib.*

Letter from the Audit Office to the Treasury, dated 29th March 1879, showing the views of the Comptroller and Auditor General upon the question as to the mode of remuneration, and upon the Treasury decision in the matter, *App. (Second Rep.)* 51.

Agreement practically arrived at in the matter of examination of the London District and Provincial Post Office Accounts as to Treasury authority, *Second Rep.* viii—Concurrence of the Committee in the views of the Postmaster General in favour of the present system of remuneration of sub-postmasters and receivers, *ib.*

Deprecation by the Committee of the long delay in transmitting certain accounts of the packet service to the India Office, *Second Rep.* ix—Comment upon the delay in the question of going into arbitration with the Company, *ib.*

See also *Telegraph Service*.

Postponement of Expenditure. See *Savings*.

Powder Magazines. Explanation relative to the expenditure under the Vote for New Powder Magazines on the Medway, *Nugent* 599-604.

Concurrence of the Committee in the view of the Audit Department as to the insufficiency of the information supplied in the estimate, *Second Rep.* xiv.

Procurators Fiscal. See *Board of Trade*.

Public Buildings. See *Office of Works, &c.*

Public Works Loans. As regards the Public Works Loan Account the amount of interest in arrear is always stated in the Finance Accounts, *Welby* 670—Consideration of a suggestion by the Comptroller and Auditor General for an amended practice in dealing with losses, or remissions of loans, upon the Public Works Loan Account; importance of this matter, which shall receive the careful attention of the Treasury, *ib.* 671-677.

View of the Audit Office as to the expediency of a Resolution of Parliament in reference to losses or remissions in respect of Public Works Loans, *Ryan* 678—Steps being taken to wipe off all the outstanding balances really irrecoverable in respect of Public Works Loans, *Welby* 679, 680.

Increased value of the reports by the Audit Office if they were to state the amount of arrears upon the several loans, *Second Rep.* xvii.

Public Works Loans (Ireland). Consideration being given by the Treasury to an improved form of account in the case of the Public Works Loans (Ireland), *Welby* 681, 682.

Q.

Quarantine Expenses (Privy Council Office). Delay on the part of the Admiralty in the settlement of a question as to their allowing for certain old moorings for quarantine vessels at the Mother Bank, *Sust* 42-44.

Queen's Colleges (Ireland). Information relative to the arrangement as to the charge for the salaries of the professors at the Queen's Colleges, Ireland, and as to the practice in not directly paying over all the fees to the Exchequer; incomplete adjustment at the closing of the accounts to 31st March 1877-78, *Welby* 248-250. 252-254. 256. 258-260—Arrangement whereby it was intended that the sum paid out of the Vote to the Professors should not exceed the receipts from fees, *ib.* 248-250. 252-254.

Explanation of the views of witness' department by way of objection to the short payment into the Exchequer of professors' fees in the Queen's Colleges, Ireland, *Ryan* 251. 254-258.

Explanation with further reference to the action of the Treasury in not directing the payment into the Exchequer of the whole amount of fees received in the Queen's Colleges, Ireland, *Welby* 328, 329—Full approval of the action of the Comptroller and Auditor General in calling attention to the course pursued by the Treasury, *ib.* 329.

Queen's Colleges (Ireland)—continued.

Justification of the exception taken by the Audit Office as to the action of the Treasury in the short payment into the Exchequer of fees received in the Queen's Colleges, Ireland, *Ryan* 329.

Treasury approval in March 1876 of certain instructions to bursars, in reference to the payment of professors' fees to the Exchequer, *App. (Second Rep.)* 46.

Reference by the Committee to the circumstances under which the expenditure in this case is exactly equal to the Grant, *First Rep.* iv.—Importance and difficulty of the question as to the fees paid by students to the professors being handed over to the Exchequer, *ib.*

Concurrence of the Committee in the view that the Treasury should in no way sanction payments out of a Vote in excess of the sum granted by Parliament, *First Rep.* iv.—Opinion that the course adopted of not paying into the Exchequer the total amount of fees received in the year is undesirable, *ib.*—Reason, however, for not regarding the account as incorrect, *ib.*

R.

Registry of Judgments (Ireland). Net deficit of 51 l. 2 s. 5 d. in respect of this Vote, *First Rep.* iv.

Relief of Distressed British Subjects. Reference to the Treasury before any payments, outside the regulations, are made out of the Consular Vote in respect of distressed British subjects abroad; Treasury sanction given to existing regulations, *Alston* 284-286.

Reason for the exception taken by the Audit Office in the matter of certain payments to distressed British seamen abroad, *Ryan* 287, 288.—Information relative to certain questions raised by the Audit Office in respect of the Vote for Distressed British Seamen Abroad, *Stoneham* 308-320.

Reference to certain instructions of the Board of Trade to its officers in the colonies, as being admittedly at variance with the law, *Second Rep.* vii.—Conclusion of the Committee that the present state of things should not be continued longer than is absolutely necessary, *ib.*

Rent of Buildings. See *Office of Works, &c.* *Science and Art Department.*

Rich, Colonel. Accidental omission of a note in the Board of Trade Accounts as to the remuneration of Colonel Rich from two different sources, *Stoneham* 59, 60.

Royal Parks and Pleasure Grounds. Omission in witness' department in not appending to the Estimate in respect of Royal Parks and Pleasure Grounds any note on account of extra remuneration paid to officers in the department, *Mitford* 3-5.

Treasury letter of 25th September 1878, with reference to the course taken in repairing Rotten Row, without previous provision in the Vote for Royal Parks, *App. (First Rep.)* 29, 30.

Ryan, Charles Lister. (Analysis of his Evidence.)—Non-objection by the Comptroller and Auditor General to the course pursued in using the harbour dues in respect of certain expenditure at Dover Admiralty Pier, 16, 17—View of the Comptroller and Auditor General that the rents paid by different departments should all come under the Vote for Rents, &c., 69.

Account not yet received by the Audit Office from the registrar of the county court at Newbury relative to moneys paid over by him to the treasurer of his court, 77—Difficulty in explaining the term "extra receipts;" it is used generally as applying to fees, &c., 86—Opinion that it is not the duty of witness' department to report to the heads of departments any failure to render accounts, 91.

Duty of witness' department to call attention to the fact of the Education Department not having complied with requirements laid down by Parliament as regards grants to schools, 115—Absence of evidence before the Audit Office that certain school accounts had been audited before payment of grants, 123—Reason for the objection raised by the Comptroller and Auditor General that a medical certificate had not been produced in all cases of schools closed on account of local epidemic, 127.

Exception taken to the want of uniform action in the Education Department as regards the percentage of scholars examined in the higher standards, 135—View of the Audit Office that the supplementary rules attached to the Education Code should be enforced in the same way as the Code itself, 144.

Grounds for the objection by the Comptroller and Auditor General to the course pursued by the Education Department in dealing with small over-payments to schools without crediting them to the Vote for the year; alternative plan suggested, 149, 152.

Reports, 1879—continued.

Ryan, Charles Lister. (Analysis of his Evidence)—continued.

153—Comment upon the refusal of the Education Department to state that they were satisfied that special grounds existed for recognising the employment of teachers at schools in Scotland as clerks to the local school boards, 161, 162.

Satisfaction expressed with the arrangement proposed by the Treasury as regards a small payment to an officer of the Science and Art Department disallowed by the Audit Office, 176—Explanation as to witness' department not having raised any question until the last year or two into certain payments by fees in the Science and Art Department, 181-183—Want of information in the Estimate which led witness' department to object to the mode of charging travelling expenses in connection with Bethnal Green Museum, 192.

Reason for the exception taken by the Audit Office to the practice in charging certain expenditure for the British Museum under the Vote for the Museum, whilst cognate expenditure is charged under the Vote for the Office of Works, 224—Suggestions with a view to summarising the expenditure of each department, and showing it in the report on the account, 227—Alteration suggested in the mode of keeping the Works Account, so as to show under each department the amount expended for its furniture, 227.

Grounds for the question raised by the Comptroller and Auditor General in the matter of the expenditure under the Vote for the National Gallery, Ireland, 247—Explanation of the views of witness' department by way of objection to the short payment into the Exchequer of professors' fees in the Queen's Colleges, Ireland, 251. 254-258.

Opinion that the Vote for Embassy Buildings should include all charges for fuel, light, cleaning, &c., 274. 278—Reason for the exception taken by the Audit Office in the matter of certain payments to distressed British seamen abroad, 287, 288—Concurrence of witness' department with the Foreign Office as to the proper mode of charging certain rent allowances in China; contrary view taken by the Treasury, 290—Justification of the exception taken by the Audit Office as to the action of the Treasury in the short payment into the Exchequer of fees received in the Queen's Colleges, Ireland, 329.

Different modes of payment of sub-postmasters and receivers; reference hereon to the objections raised by the Audit Office, 331, 332—Explanation as to the views of the Comptroller and Auditor General with respect to the employment of persons in provincial post offices before they have received Civil Service certificates, 338, 339.

Explanation of the views of witness' department upon the mode in which the debts of seamen and marines are credited; expediency of an improved arrangement, 352, 353—Grounds for the exception taken as regards the twofold mode of charging the cost of conveyance of troops between ports in the United Kingdom, 373. 376.

Opinion that a charge for freight of provisions to British Columbia in 1870 might have been met from Civil Contingencies, 378, 379—View of the Audit Office as to the necessity of Treasury sanction for Admiralty expenditure on new works in excess of Estimate, 383.

Reason for the question raised by witness' department in respect of a payment to Messrs. Gadban & Watson in connection with the purchase of the "Hamidie," 402. 405—Grounds for objecting to the course pursued in the matter of a certain payment to Mr. Wills, charged to "Purchases of Ships," 411.

Satisfaction of the Audit Office as regards the Treasury decision in the matter of postmasters' salaries, 457, 458.

Explanation of the delay on the part of the Comptroller and Auditor General in not presenting the Army Appropriation Account and Report to the House till the 7th March instead of the 15th February; facilities desirable with a view to earlier presentation in future years, 464, 465. 468-471—Doubt whether the detailed examination by the Audit Office staff at the War Office may not tend to delay the completion of the Report, 472—The accommodation for the staff has now been provided, and is sufficient, 473, 474.

Considerable difficulty experienced by witness' department through not having the Regulations for Army Allowances in a codified form, 476—Facility of examination as regards the charge for the Intelligence Department if the whole expense was put under two separate sub-heads in two Votes, 479-484. 490.

Statement as to the Audit Office not inquiring into the number of men for whom charge is made under Vote A., 512, 513—Grounds for the alteration proposed as regards the charge for half-pay of lunatic officers, 527. 529—View of the Audit Office as to the Royal Warrant of April 1862 applying to militia officers' lodging allowances, 532-534.

Contention of witness' department that the later Fortifications Acts omit a previous provision for the Eastern Defences at Chatham, and that no money should be expended for the purpose without the subsequent sanction of Parliament, 538, 539. 551-553. 556—View of the Comptroller and Auditor General that the Estimate for the Chatham works did not clearly show what was intended to be done, 553—Reference to a certain

Ryan, Charles Lister. (Analysis of his Evidence)—*continued.*

return of expenditure on lands at Chatham as not having been before witness' department when exception was taken to the mode of charging the cost of such lands, 572.

Objection raised by the Comptroller and Auditor General as regards the postponement of expenditure by the Treasury so as to create a "saving," 574—Grounds for the exception taken to the course pursued in charging partly to a Vote of Credit the expenditure upon a railway in Woolwich Dockyard, 584—Expediency of treating as a balance the charge for barracks at the Cape until it is settled whether any of the cost shall be borne by the Colony, 587-589.

Concurrence of the Treasury with the Audit Office in the objection by the latter to the course taken by the War Office in providing expenditure for submarine mining establishments, 593—Objection by the Comptroller and Auditor General to the Vote of Credit for the Russo-Turkish War being made applicable to meet deficiencies on the ordinary Army Votes, 630. 631—Exception taken as regards an expenditure for shields, &c. having been charged against the Vote of Credit, 639.

Explanation of the views of the Comptroller and Auditor General upon the question of a test examination as to the quantity and value of Army and Navy Stores; he has at present no check whatever in the matter, 643-646—Reference to the explanatory papers attached to the Army Appropriation Account as not being verified by witness' department, though it may be taken that they are generally correct, 653-656.

Extended examination to be carried out under the detailed test audit, 654—View of the Audit Office as to the expediency of a resolution of Parliament in reference to losses or remissions in respect of Public Works Loans, 678.

Explanation that the Secretary of State for War has power to authorise the concurrent issue of field and lodging allowances to militia officers, 689—Further statement as to the grounds of objection to the course pursued by the War Office in regard to the Eastern Defences at Chatham; reference especially to a certain paper or return as not obviating this objection, 690.

Statement as regards certain War Office claims for charges defrayed on account of India, that since last year the claims have been abandoned, 692—Necessity of an excess vote for meeting the outstanding charge for the advances in question, 693-695—Reference to the arrangement under the Treasury Minute as having obviated the necessity of a detailed examination as to the amount claimed; approximate estimate of 150,000 l. as the amount remitted, 695-698. 718.

Cause of the delay in the Report by the Comptroller and Auditor General in the matter of the claims upon India, 730, 731—Circumstances of witness' department having no information that a certain contingent account is included in the settlement of these claims, 732.

Arrangement by the Treasury in Minute of September 1878 as regards certain expenditure at Aldershot under the Military Forces Localisation Act, 747.

Ryder, George Lisle. (Analysis of his Evidence.)—On the part of the Treasury witness submits a copy of the Treasury Minute (*App.* 29) on the First and Second Reports of the Public Accounts Committee of last year, 1, 2.

Rule issued by the judges of the Landed Estates Court, Ireland, with the object of reducing the balance outstanding in respect of maps, 10—Suggestion made by the Treasury that in future the practice of prepayment should apply to all maps issued by the Ordnance Department; this question is still under consideration, 10, 11.

Prospect of an immediate settlement of an outstanding question as to the qualifications of the Assistant Under Secretaries of the Colonial Office, 41—Approval on the part of the Treasury of a note being appended in certain cases of remission of costs by the Board of Trade, 58.

View of the Treasury as to certain small payments under the Vote for the Mint being properly chargeable to the Sub-head for Incidental Expenses, 61, 62—Concurrence in a suggestion as to the value of stocks in the Stationery Office being shown for the last two years, 63, 64.

Omission on the part of the Treasury in not supplying information to the Local Government Board (Ireland) with a view to a certain note being appended to the Account, 65, 66—Policy of the Treasury to collect charges of departments for rent, &c. under the Public Buildings Vote; omission in the case of the Local Government Board (Ireland), 67, 68.

Sanction of the Treasury as regards an increase of salaries under the Vote for Criminal Prosecutions, &c., 70—Explanation in connection with the fees paid in courts of Justice, and the accounts thereof, 71-75—Final payment made in connection with the Phoenix Park Riots of 1871; explanation as to this expenditure not having been specifically put in the Estimate, 92-95.

Doubt as to the course likely to be taken by the Treasury in respect of grants by the Education

Reports, 1879—continued.

Ryder, George Lisle. (Analysis of his Evidence.)—continued.

Education Department without the specified conditions having been strictly complied with, 109—Inconvenience if very small over payments to schools must always be credited to the vote for the year, or treated as Exchequer receipts within the year, 149.

Explanation of the conditions under which the Treasury authorised a certain payment to Mr. Woodward under a sub-head of the Vote for the Science and Art Department, 201-204—Reasons for placing the charges of this Department for rent, furniture, &c., under the Vote for this Department, instead of under that for the Office of Works, 217, 218.

Consideration of the course pursued in discriminating between certain expenditure for the British Museum, and in placing some of the charges under the Vote for that Department, and others under the Office of Works Vote, 220-223, 225, 226—System of cross references from one Vote to another by which the aggregate expenditure for each Department might be shown, 227—Reason for charging the expenditure in respect of model farms, Ireland, against the Vote for Public Education, Ireland, 228.

S.

Sandford, Sir Francis Richard, C.B. (Analysis of his Evidence.)—Discretionary power claimed by the Education Department under the new Code of 1871, in making or withholding grants to schools, though the specified conditions may not be strictly fulfilled, 96-108, 110-114, 116-119—Explanation in connection with an exceptional instance of the average school fee having exceeded 9 *d.* a week; departure from the usual practice of the department in this case, 116-119.

Statement in reply to the objection raised by the Audit Office that in some cases grants had been made although the school accounts had not been audited; explanation as to the inspector having testified, save in one instance, that the accounts were audited, though the certificate had not been signed, 120-124—Grounds for the course pursued by the Department in not always requiring a medical certificate when a school has been closed through a local epidemic, 125, 126, 128-130.

Discretion exercised by the department in sometimes exceeding the prescribed limits of age in connection with the rates of payment, 131, 132—Varying practice as to the per-centage of scholars to be presented for examination in the higher standards, 133, 134, 136—Explanation of a mistake by which some children who ought to have been presented in the infant school were not so presented, 137—Misconstruction put upon a new article in the code in not enforcing the repayment of some sums which were over-paid, 138—New article put into the code allowing the grant to be refused under certain circumstances, 139.

Considerable discretion exercised by the department in not enforcing the supplementary rules so stringently as the articles of the code, 140-146—Practice of not deducting till the following year small over payments under 1 *l.* made to any schools out of the vote, 147, 148—Necessary exercise of discretion under the code as to the conditions under which grants have been made towards school sites, 154.

Explanation as to witness' department having objected to discuss with the Audit Office the special grounds upon which teachers at certain schools in Scotland were allowed to be employed also as clerks or treasurers to school boards, 155, 160, 163—Sufficient security under the School Sites Act in the matter of grants to sites in Scotland, irrespectively of the provisions in leases, 164, 165.

Savings on Votes (Postponement of Expenditure). View of the Treasury as to their authority in the matter of postponement of works, so as to create a saving whereby other works of an urgent character may be undertaken without an excess of the vote being sanctioned, *Welby* 573, 575-579—Dissent of the Treasury from the interpretation put by the Comptroller and Auditor General upon the word "saving," under the 4th clause of the Appropriation Act, *ib.* 573, 575-579.

Grounds for the objection raised by the Comptroller and Auditor General as regards the postponement of expenditure by the Treasury so as to create a "saving," *Ryan* 574.

Treasury Memorandum, dated 14th April 1879, upon the question of the authority for authorising the Naval and Military Departments temporarily to meet expenditure in excess of votes by using savings under other votes, *App. (Second Rep.)* 57-59.

Copy of section of the Appropriation Act of 1846 under which the authority in question is exercised, *App. (Second Rep.)* 59—Additional provision in the Appropriation Act of 1856, and repeated in subsequent Acts till 1861, *ib.* 60—Copy of similar section in the last annual Appropriation Act (1878), *ib.*

Memorandum on the part of the Audit Department, dated 24th April 1879, relative to the authority in question, *App. (Second Rep.)* 61.

Consideration by the Committee of the question at issue between the Treasury and Audit Department, and of the views put forward by each department, *Second Rep.* xiii, xiv—Recommendation by the Public Accounts Committee of 1862 that the

Reports, 1879—continued.

Savings on Votes, &c.—continued.

power of transfer from surpluses to meet deficiencies should be continued under certain limits, *Second Rep.* xiii.

Liability to abuse in the exercise of the power of transfer, whilst, on the other hand, in the interest of economy, it is desirable that unforeseen expenditure, which cannot be deferred, should be met by the postponement of expenditure of a less urgent character, *Second Rep.* xiii.

Checks suggested by the Committee; importance of Treasury sanction being applied for at the earliest possible moment, *Second Rep.* xiv—Suggestion also that a change be made in the form of the resolution which is proposed in Committee of the House to sanction the application of surpluses to meet deficiencies, *ib.*

Further suggestion whether the correspondence between the great departments and the Treasury upon the temporary application of surpluses to meet deficits should be printed with the Appropriation Accounts in such a form as to admit of easy reference, *Second Rep.* xiv.

SCIENCE AND ART DEPARTMENT:

Reference to certain correspondence with the Treasury in connection with a small payment to an officer of the Science and Art Department, which was disallowed by the Audit Office; arrangement proposed by the Treasury, *MacLeod* 175—Satisfaction expressed on the part of the Audit Office with the arrangement proposed by the Treasury in the foregoing matter, *Ryan* 176.

Belief as to the payment of certain fees in the department having been known to the Treasury; inquiry expected, *MacLeod* 177-180—Explanation as to witness' department not having raised any question until the last year or two into certain payments by fees in the Science and Art Department, *Ryan* 181-183.

Statement as to the department having paid 50 l. towards fire insurance of certain buildings belonging to the Commissioners of the Exhibition of 1851; Treasury sanction received, *MacLeod* 185-189—Opinion that the charge for insurance should more properly have come under the Vote of the Office of Works, *Ryder* 189.

Explanation as to the steps taken to comply with the rules laid down by the Treasury in the case of a large number of extra payments and allowances to officers employed in other departments, *MacLeod* 205-215.

Grounds for the course adopted in charging payments for rent, furniture, fuel, &c., to the Vote for Science and Art instead of the Vote for the Office of Works, *MacLeod* 216-219—Reasons for placing the charges of this Department for rent, furniture, &c., under the Vote for this Department instead of under that for the Office of Works, *Ryder* 217, 218.

Undue delay on the part of the Science and Art Department in not submitting for Treasury approval the question as regards professors' fees; the appointment of a Treasury Committee on the subject has not been contemplated, *Welby* 686.

Request by the Treasury, in letter to the Education Department, that a note may be appended to future Estimates for the Science and Art Department, showing the extent to which any special exhibition proposed to be held may affect the different sub-heads, whenever the additional expenditure involved is of any material amount, *App. (First Rep.)* 34.

Memorandum explanatory of the views and action of the Treasury in regard to charges for furniture, fuel, light, &c., *App. (Second Rep.)* 43-45.

There should be no further delay in submitting the question of certain fees and payments for the approval of the Treasury, *Second Rep.* v—Concurrence of the Committee with the Audit Office as to the proper mode of dealing with the charge for insurance, *ib.*

Comment by the Committee upon the frequent omission with respect to appending notes of extra remuneration paid to salaried officers; remedy suggested, *Second Rep.* v.

Net surplus of 197 l. 5 s. 11 d. to be surrendered in respect of this vote, *Second Rep.* v.

See also *Bethnal Green Museum. Woodward, Mr.*

Shanghai, Registrar of. Statement relative to the payment within the year of five quarters' salary of the Registrar at Shanghai, *Stoneham* 45, 46.

Slave Trade, Suppression of. Belief that a sum of 973 l. 17 s. 11 d., under the Vote for Suppression of the Slave Trade has been surrendered to the Exchequer, *Alston* 300, 301—Impression that this money has not been paid into the Exchequer, though it has been suspended by the Treasury, *Ryan* 301, 302—The surrender of a corresponding amount has been made, *Welby* 301, 302.

Regret expressed in Treasury letter of September 1878, that the Comptroller and Auditor General was not enabled to report on the account of the Muscat Subsidy and Zanzibar Agency before the Committee of last Session closed their sittings, *App. (First Rep.)* 34.

Spiddle Pier (Public Buildings, Ireland). Explanation on the part of the Treasury as to the course pursued in connection with a small excess payment in respect of Spiddle Pier, under the Vote for Public Buildings, Ireland, *Mills* 21, 22.

Nominal violation of the law in the case of the excess expenditure upon Spiddle Pier, *Second Rep.* iii.

Stationery and Printing. Concurrence in a suggestion as to the value of stocks in the Stationery Office being shown for the last two years, *Ryder* 63, 64.

Approval by the Treasury of the statement of stores in hand at the close of the year, as appended for the first time to the Appropriation Account, *App. (First Rep.)* 32.

Opinion of the Committee that it would be a useful addition to the Report of the Comptroller and Auditor General if he were to state the value of the stock in store at the beginning of the year as well as at its close, *Second Rep.* iv.—The cost of the service might thus be ascertained without reference to the Account of the preceding year, *ib.*

Excess of the real cost of the service in 1877–78, beyond the charge against the Vote, by 7,933 *l.* 1 *s.* 9 *d.*, *Second Rep.* iv.

Stoneham, Allen. (Analysis of his Evidence.)—Explanation in connection with the expenditure of a Supplementary Vote of 5,000 *l.* for repairing the damage done by storm to the Admiralty Pier at Dover, 13–15.

Statement relative to the payment within the year of five quarters' salary of the Registrar at Shanghai, 45, 46—Sanction received from the Treasury for charging the excesses on certain sub-heads of the Board of Trade Vote against the savings on another sub-head, 47, 48—Legal powers of the Board as to the payment of the salaries of the examiners of masters and mates out of the Vote, 49, 50—Intended introduction of an Act respecting the payment of fees for the examination of engineers, 50, 51.

Settlement of the question as to the employment and remuneration of the salaried procurators fiscal, 52, 53—Belief as to the legality of the power exercised by the Board of Trade in revising the decision of the Naval Court in the case of the master of the "Reciprocity"; consent obtained from the Treasury as to the costs being remitted, 55, 56—Practice of the Board not to append notes in explanation of costs being remitted, 57—Accidental omission of a note as to the remuneration of Colonel Rich from two different sources, 59, 60.

Explanation in reference to some illegal contributions received by the Board of Trade towards the Merchant Seamen's Fund; intention to rectify the matter by means of a Bill in the present Session, 303–307—Information relative to certain questions raised by the Audit Office in respect of the Vote for Distressed British Seamen Abroad, 308–320.

Submarine Mining Establishments (Army Votes). Information relative to the action of the War Office as regards the expenditure in respect of Submarine Mining Establishments and the course pursued in taking consecutive votes for small amounts, *Nugent* 591, 592–594–598.

Concurrence of the Treasury with the Audit Office in the objection by the latter to the course taken by the War Office in providing expenditure for Submarine Mining Establishments, *Ryan* 593.

"*Superb*," *H.M.S.* Statement in reply to the point raised by the Audit Office as to a formal receipt not having been given by the Turkish Ambassador for the purchase of the "*Superb*," *Hamilton* 393–395.

Supplementary Votes. Suggestion by the Committee that whenever Supplementary Votes have been obtained for the Army or Civil Services, the amount of such grants should be specified in the Appropriation Accounts under proper heads, *Second Rep.* viii.

Surpluses on Votes. See *Savings on Votes.*

Surveys (United Kingdom). Rule issued by the judges of the Landed Estates Court, Ireland, in order to reduce the outstanding balance in respect of maps, *Ryder* 10—Suggestion made by the Treasury that the practice of prepayment should apply to all maps issued by the Ordnance Department; this question is still under consideration, *ib.* 10, 11.

Instruction laid down by the Treasury as to the steps to be taken in future in regard to repayment of cost of maps supplied from the Landed Estates Court (Ireland), *App. (First Rep.)* 30.

Letter also from Treasury as to the expediency of arrangements for earlier repayment of cost of maps supplied for use before the Land Judges of the Chancery Division, Ireland, *App. (First Rep.)* 30.

Abstract statement dividing the outstanding balance of 11,504 *l.* 11 *s.* 9 *d.*, due on 31st March 1878, for maps supplied to the Landed Estates Court, according to the number

 Reports, 1879—continued.

Surveys (United Kingdom)—continued.

number of complete years for which the sums composing such balance had been respectively outstanding at the above date, *App (Second Rep.)* 54.

Reference by the Committee to the contemplated extension of the rule which requires repayment before the delivery of the maps, *Second Rep.* iii.

T.

Telegraph Service. Consideration being given by Government to the question at issue as to the apportionment of rents of premises jointly occupied by postal and telegraph services, *Welby* 333.

Explanatory statement relative to the present position of the telegraph capital account, and the prospect of its being closed, *Welby* 443, 444.

Prospect of the telegraph capital account being soon closed, a sum of about 20,000 *l.* in hand being sufficient to satisfy all outstanding claims, *Welby* 757.

There is every reason to believe the account will be closed next year, there being no arbitrations now going, *Chetwynd* 758, 761—The agreement with the Glasgow and South Western Railway Company will probably be soon settled, *ib.* 759, 760.

Letter from the Treasury to the Postmaster General, dated 1st November 1878, relative to the arrangements between the Post Office and the Submarine Cable Companies, *App. (Second Rep.)* 45.

Correspondence between the Treasury and Post Office in February and March 1879, relative to the apportionment of rents between the Post Office and Telegraph Votes, *App. (Second Rep.)* 51-53.

Treasury Minute of 22nd March 1879, concurring in certain views of the Postmaster General upon the points at issue, *App. (Second Rep.)* 53, 54.

Letter from the Comptroller and Auditor General to the Treasury, dated 31st March 1879, submitting certain objections to the course sanctioned by the Treasury relative to the apportionment in question, *App. (Second Rep.)* 54.

Consideration by the Committee of the different views of the Treasury and Post Office on the one hand, and the Audit Office on the other, as regards the question of apportionment of rent; inconvenience under the plan sanctioned by the Treasury, *Second Rep.* viii, ix.

Temporary Commissions. Net deficit of 557 *l.* 11 *s.* 6 *d.* upon this vote, *First Rep.* iv.

Test Audit. See *Army Accounts*, 3, 4.

Torpedoes (Navy Accounts). Explanation as to the cost of torpedoes having been charged against both the War Office and Admiralty Votes, *Hamilton* 356-361.

Expediency of an explanatory note being appended to the Estimates and Appropriation Accounts in connection with the purchase of torpedoes both by the Admiralty and War Office, *Second Rep.* ix.

Transfer of Surpluses. See *Savings on Votes.*

Treasury. Treasury Minute, dated 25th September 1878, showing the steps taken by the department in reference to the various recommendations in the First and Second Reports of the Select Committee of 1878, *App. (First Rep.)* 29-47.

Explanation on the part of the Treasury as to the action of the department in the matter of the salaries of the lower division clerks, formerly employed as registered writers, *App. (First Rep.)* 38.

Memorandum, dated 14th April 1879, showing the views of the Treasury relative to the section in the Appropriation Act which empowers the department to authorise the Naval and Military Departments temporarily to meet expenditure in excess of votes by using savings under other votes, *App. (Second Rep.)* 57-59—Sections in the different Appropriation Acts under which Treasury authority in the matter is exercised, *ib.* 59, 60.

Memorandum by Mr. Ryan, dated 24th April 1879, as to the section in the Appropriation Act which empowers the Treasury to authorise the Admiralty and War Office to meet expenditure in excess of votes out of savings under other votes, *App. (Second Rep.)* 61.

See also *Colonial Office and Colonial Contributions.* *Savings on Votes.*

Treasury Chest Account. Net deficit of 4 *l.* 4 *s.* 11 *d.* upon this Vote, *First Rep.* iv.

Tucker, William. (Analysis of his Evidence.)—Statement in justification of the practice of the Education Department in not always paying into the Exchequer within the year, or crediting the Vote with, small over-payments made to schools out of the annual grant, 150-152.

V.

"Victoria" Yacht. Explanation as regards the sale of the yacht "Victoria," that the Colonial Office is the department to supply information, *Sir E. T. Du Cane*, 170.

Votes of Credit. Decided opinion of the Committee that no larger sum should be taken from a Vote of Credit than can be shown to have been expended on the purposes for which the Vote was granted, *Second Rep.* xv—Amended practice suggested in future when advances are made out of Votes of Credit in aid of the grants for the ordinary services of the Army, *ib.*—See also *Army Accounts*, 7.

W.

War Office. See *Army Accounts*.

Welby, Reginald Earle, C.B. (Analysis of his Evidence.)—Explanatory statement of the views of the Treasury as to the course to be pursued in the expenditure of the Vote for the National Gallery of Ireland, and in undertaking liabilities and deferring payments for pictures, on certain conditions, 229-245—Recognition already of the principle of deferred payment in the case of public works being executed under contract, 233. 246.

Information relative to the arrangement as to the charge for the salaries of the professors at the Queen's Colleges, Ireland, and as to the practice in not directly paying over all the fees to the Exchequer: incomplete adjustment at the closing of the accounts to 31st March 1877-78; 248-250. 252-254. 256. 258-260—Arrangement whereby it was intended that the sum paid out of the Vote to the professors should not exceed the receipts from fees, 248-250. 252-254.

Expediency of uniformity of principle as to the department which should deal with such expenditure as maintenance of buildings, &c., at foreign embassies, 266-268—Communication going on between the Treasury and War Office relative to the mode of charging for certain services of Sir Arnold Kemball, 271.

Explanation with further reference to the action of the Treasury in not directing the payment into the Exchequer of the whole amount of fees received in the Queen's Colleges, Ireland, 328, 329—Full approval of the action of the Comptroller and Auditor General in calling attention to the course pursued by the Treasury, 329.

Arrangement being completed as regards the examination of the London District and Provincial Post Office Accounts as to Treasury authority, 330—Concurrence of the Treasury in a letter recently received from the Post Office in favour of maintaining the present system of remunerating sub-postmasters and receivers, *ib.*

Consideration being given by Government to the question at issue as to the apportionment of rents of premises jointly occupied by Postal and Telegraph Services, 333—Prospect of action being soon taken by the Treasury as regards the excess cost of management of Government Annuities and Insurances by the Post Office, 334-337.

The Treasury has not yet come to a decision as to the mode of account in respect of the debts of seamen and marines afloat, 354—Steps taken by the Treasury for arriving at a definite scheme in the matter of extra receipts; delay pending the receipt of the opinion of Sir Erskine May on the subject, 355.

Explanation as to Treasury sanction for a certain charge against naval funds not having been insisted upon by the Treasury, 366, 367—View of the Treasury that payments for freight of provisions to British Columbia in 1870 had better be left as a naval charge, 380.

Concurrence with the Audit Office as to the duty of the Admiralty to apply for Treasury sanction for new works or repairs in excess of Estimate, 384. 391—Non-objection by the Treasury to the course pursued by the Admiralty as regards a certain payment in the matter of the purchase of the "Hamidie," 401.

Statement relative to the sanction given by the Treasury to an Admiralty payment to Mr. Wills under the Sub-Head of Purchases of Ships, &c., 407, 408—View of the Treasury in declining to sanction a charge upon Civil Contingencies in respect of an irregular Admiralty payment of 224 *l.* 16 *s.* 11 *d.*; 417, 418.

Explanatory statement relative to the present position of the Telegraph Capital Account, and the prospect of its being closed, 443, 444.

Correspondence going on between the Treasury and Foreign Office respecting the position of the Assistant Under Secretary of the latter department under the Superannuation Act, 448-450—Papers submitted on the part of the Treasury, in reference to different Votes, together with evidence in explanation, 451. 453-456. 459-463—Prospect of speedy settlement of the question as to the mode of charging the allowances to Sir Arnold Kemball, 453.

Welby, Reginald Earle, C.B. (Analysis of his Evidence)—continued.

Explanation relative to the re-arrangement proposed by the Treasury as regards unclaimed residues of soldiers' effects, 478—View of the Treasury as to the special limit of 4,000 *l.* no longer applying to the Intelligence Department, 486.

Concurrence of the Treasury in the action of the War Office in charging to the Defence Loan the cost of land at Chatham, though a portion of the works for which the land was acquired was for the time abandoned, 567—View of the Treasury as to their authority in the matter of postponement of works so as to create a saving whereby other works of an urgent character may be undertaken, without an excess of the Vote being sanctioned, 573-575-579—Approval, in accordance with the foregoing view, of certain expenditure on the railway in Woolwich Dockyard, though voted for other works, 572-577-579.

Omission in Parliament not having been informed of the capitalisation arrangement as regards certain pensions payable by India, 614—Delay in the final adjustment of payments due to the Imperial Government through a claim on the Indian Government for interest; recent withdrawal of this claim, the question being now settled, 614, 615, 619, 620—Views of the Treasury as to the course pursued in taking from the Vote of Credit money on behalf of the Army Estimates without the expenditure being classified, 624-626.

Great importance of the question of an extension of test audit to the Manufacturing and Store Accounts of the Army; very careful consideration required, and being given by the Treasury to this question, 642, 647—Incompleteness at present of the examination of the Appropriation Accounts of the Army and Navy Votes, 642.

Explanation, with respect to the Consolidated Fund Account, as to the payment to the incumbent of St. Paul's at Portarlington having become illegal, 657, 658—Information relative to certain arrears in the payment of interest by Turkey and Egypt on the Imperial Ottoman Loan of 1855; application made to the French Government for their moiety of the amount outstanding, 659-666—Particulars promised to be furnished by the Treasury to the Audit Office respecting certain payments in the case of colonial docks, 667.

Reference to the account of the West India Islands Relief Commissioners, as being practically wound up; full information is at the disposal of the Audit Office, 668—The advances in respect of loans for drainage of lands are also practically at an end, *ib.*—As regards the Public Works Loan Account, the amount of interest in arrear is always stated in the Finance Accounts, 670.

Consideration of a suggestion by the Comptroller and Auditor General for an amended practice in dealing with losses, or remissions of loans, upon the Public Works Loan Account; importance of this matter, which shall receive the careful attention of the Treasury, 671-677—Steps being taken to wipe off all the outstanding balances really irrecoverable in respect of Public Works Loans, 679, 680—Consideration being given by the Treasury to an improved form of account in the case of the Public Works Loan (Ireland), 681, 682.

Points still under discussion with respect to the appointment of the Assistant Under Secretaries of State at the Foreign Office and Colonial Office, 683-685—Undue delay on the part of the Science and Art Department in not submitting for Treasury approval the question as regards professors' fees; the appointment of a Treasury Committee on the subject has not been contemplated, 686—Decision arrived at in the matter of Sir Arnold Kemball's allowances, 687.

Settlement under Treasury Minute of War Office claims against India in respect of effective services up to 31st March 1879, the amount surrendered up to 31st March 1877 being estimated at from 100,000 *l.* to 150,000 *l.*; 699-705—Large amounts still due by India in respect of non-effective services for the years 1875-76, 1876-77, and 1877-78, these amounts not being affected by the arrangement as regards effective services, 701, 707-715.

Inquiry now being made by a Committee under the presidency of Lord Northbrook into the system of future payment by India for effective services, 706—Arrangement being discussed between the Treasury and India Office as to the time of payment of the arrears for non-effective services, 707-709.

Consideration to be given by the Treasury to the question of asking Parliamentary sanction for the remission of the claim upon India; difficulty through the actual amount not being established, 721-724—Inquiry being made by Lord Northbrook's Committee as regards the capitation rate to be paid by India, 725, 726—Intention to make arrangement for frequent periodical settlement of accounts, 727-729—Inability of witness at present to state whether two balances of 6,315 *l.* and 8,861 *l.*, will be included in the settlement of the claims; prospect of this question being soon settled, 733-736.

Explanation relative to the settlement by the Treasury in the matter of certain expenditure at Aldershot under the Military Forces Localisation Act, 748-749.

Reason for not writing off a certain balance claimed from the Dominican Government, though the prospect of its recovery is exceedingly remote, 751-754—Decision soon expected

Welby, Reginald Earle, C.B. (Analysis of his Evidence)—continued.

expected in the matter of a Treasury claim upon the borough of Maidenhead, 755, 756.

Prospect of the Telegraphs Capital Account being soon closed, a sum of about 20,000 *l.* in hand being sufficient to satisfy all outstanding claims, 757.

Explanation with further reference to the question of payment of the interest on the Ottoman Loan of 1855, the French Government having paid over a sum of 33,011 *l.* 2 *s.* 5 *d.*; balance still due from the Khedive, 764-768.

West India Islands Relief Commissioners. Reference to the Account of the West India Islands Relief Commissioners as being practically wound up; full information is at the disposal of the Audit Office, *Welby* 668.

Westminster Bridge Approaches. Explanation in connection with a charge of 826 *l.* 18 *s.* 7 *d.*, for legal expenses in connection with Westminster Bridge Approaches, *Mitford* 6-8—These expenses are at an end, *ib.* 7.

White, William H. (Analysis of his Evidence.)—Suggestion with a view to expediting the work of the Audit Office in the examination of the Army Accounts, 466, 467—Explanation in reply to a statement by the Comptroller and Auditor General that he had not received the regulations for army allowances in a codified form, 475-477.

Statement to the effect that the very special character of the charge for the Intelligence Department is practically at an end, the department however being still maintained, 485-489—Information relative to the steps taken with a view to fixing the amount of military contribution by the Colony of Ceylon; the claim as to pensions will not be lost sight of, 491-498.

Prospect of a settlement of the whole question of colonial contributions in aid of military expenditure, 491—Absence of application from Hong Kong for a reduced contribution, 503—Completion of the payment by the Cape up to June 1878; 504-506—Payment by Ceylon up to September 1878, the annual amount being 116,250 *l.*; 507-509. 511.

Evidence explanatory of expenditure under the Vote for Allowances to Regiments of Foot Guards; degree of authority under Royal Warrant of 1846; 514-523—Consideration of a suggestion by the Comptroller and Auditor General for a different plan of dealing with the charge for half-pay of lunatic officers, 524, 525. 528.

Statement as to the army regulations not being applicable in the case of militia officers; explanation especially in the matter of lodging allowances, 530, 531. 535—Explanation in reply to an objection raised by the Audit Office as regards the travelling allowances to civilians employed at Woolwich Arsenal; the travelling regulations have since been revised, 536, 537.

Statement relative to the omission from the Act 30 Vict. c. 24 (Chatham Defence Works) of a previous provision for the Eastern Defences, 540-542—Reference to the provision for the purchase of certain lands at Chatham as having been distinct from the provision for the execution of works, 568-571—Explanation as to the expenditure on the railway in Woolwich Dockyard having been charged partly to the Vote of Credit for the Russo-Turkish War, 580-583.

Question not yet settled as to any portion of the cost of barracks at the Cape being borne by the Colony; approval of this item appearing in the meantime as an outstanding balance, 585-587. 590—Explanation in connection with deficiency on the Vote for Gratuities for Long Service, as affected by fines for drunkenness; Treasury sanction in the matter, 606, 607.

Authority upon which the rate of pay of the deputy surgeon of Chelsea Hospital was decided to be that of surgeon major, 611—Information relative to the arrangement as regards the capitalisation of the pensions of men formerly in the service of the East India Company; number and amount of such pensions, 613. 616, 617.

Explanation relative to the expenditure charged against the Vote of Credit for the Russo-Turkish War, and the amount of excess upon the Army Votes in respect thereof, 621-623. 627-629. 631-634—Facility of showing in the Army Accounts the supplementary estimates distinct from the ordinary votes, 648-651.

Question raised by the Audit Office as to the classification of a certain charge in the Military Forces Localisation Account, 744, 745—Adoption by the War Office of Treasury directions as to the mode of dealing with the cost of building head-quarter offices at York, 750.

Wills, Mr. See *Navy Accounts*, 6.

Woodward, Mr. (*Science and Art Department*). Explanation of the conditions under which the Treasury authorised a certain payment to Mr. Woodward under a sub-head of the Vote for the Science and Art Department, *Ryder* 201-204.

Reference to a payment of 175 *l.* to Mr. Woodward as not having been the cause of an excess of the sub-head under which it was charged, *MacLeod* 204.

Reports, 1879—*continued*.

Woolwich Dockyard Railway. Approval of certain expenditure on the railway in Woolwich Dockyard, though voted for other works, *Welby* 573. 577-579.

Explanation as to the expenditure on the railway in Woolwich Dockyard having been charged partly to the Vote of Credit for the Russo-Turkish War, *White* 580-583.

Grounds for the exception taken by the Audit Office to the course pursued in charging this expenditure partly to a Vote of Credit, *Ryan* 584.

Y.

Yeomanry. View of the Treasury, as expressed in letter of 25th September 1878, that contingent allowances to the yeomanry cavalry regiments must, like the capitation grants to volunteer regiments, be regarded as final charges so far as the Army Votes are concerned, *App. (First Rep.)* 40.

R E P O R T

FROM THE

SELECT COMMITTEE

ON

CLARE COUNTY WRIT;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

*Ordered, by The House of Commons, to be Printed,
3 April 1879.*

Ordered,—[Monday, 10th March 1879]:—THAT a Select Committee be re-appointed to inquire whether Sir Bryan O'Loughlen, Member for the County of Clare, has, since his election, accepted an Office or Place of Profit under or from the Crown, and that they be directed to report their opinion whether he has vacated his Seat by the acceptance of the said Office.

Committee nominated of—

Mr. Secretary Cross.	Mr. William Edward Forster.
Mr. James Lowther.	Sir William Harcourt.
Mr. Attorney General.	Mr. Whitbread.
Mr. Spencer Walpole.	Mr. Sullivan.
Mr. Attorney General for Ireland.	Mr. Adam.
Lord Francis Hervey.	Mr. O'Shaughnessy [added Tuesday, 11th March].
Sir William Dyke.	

Ordered, THAT the Committee have power to send for Persons, Papers, and Records.

Ordered, THAT Five be the Quorum of the Committee.

REPORT	- - - - -	p. iii
PROCEEDINGS OF THE COMMITTEE	- - - - -	p. iv
MINUTES OF EVIDENCE	- - - - -	p. 1
APPENDIX	- - - - -	p. 15

R E P O R T.

THE SELECT COMMITTEE appointed to inquire whether *Sir Bryan O'Loghlen*, Member for the County of *Clare*, has, since his Election, accepted an Office or Place of Profit under or from the Crown, and who were directed to report their opinion whether he has vacated his Seat by the acceptance of the said Office;—HAVE considered the matters to them referred, and have come to the following RESOLUTIONS, which they have agreed to Report to the House:

1. THAT the office of Attorney General of the Colony of Victoria is an office or place of profit under the Crown, ~~within the meaning of the Statutes in that behalf.~~

2. THAT *Sir Bryan O'Loghlen* has, since his Election for the County of *Clare*, accepted the said office, and has thereby, in the opinion of the Committee, ~~vacated his Seat.~~

3 April 1879.

PROCEEDINGS OF THE COMMITTEE.

Tuesday, 18th March 1879.

MEMBERS PRESENT:

Mr. Secretary Cross.
Mr. Spencer Walpole.
Mr. Sullivan.
Mr. Whitbread.
Sir William Harcourt.

Mr. Attorney General for Ireland.
Lord Francis Hervey.
Mr. William Edward Forster.
Mr. Adam.
Sir William Hart Dyke.

Mr. SECRETARY CROSS was called to the Chair.

The Committee deliberated.

[Adjourned till Monday next, at Twelve o'clock.]

Monday, 24th March 1879.

MEMBERS PRESENT:

Mr. SECRETARY CROSS in the Chair.

Mr. James Lowther.
Mr. Spencer Walpole.
Mr. O'Shaughnessy.
Mr. Attorney General for Ireland.

Mr. Attorney General.
Mr. William Edward Forster.
Lord Francis Hervey.

Mr. *Graham Berry*, Mr. *William Dealtry*, Mr. *John Bramston*, and Sir *Thomas Erskine May*, K.C.B., were severally examined.

[Adjourned till To-morrow, at Twelve o'clock.]

Tuesday, 25th March 1879.

MEMBERS PRESENT:

Mr. SECRETARY CROSS in the Chair.

Mr. Attorney General for Ireland.
Mr. Spencer Walpole.
Mr. O'Shaughnessy.

Mr. Adam.
Mr. James Lowther.

Mr. *John Bramston* and Mr. *William Dealtry* were further examined.

[Adjourned till Thursday, 3rd April, at Twelve o'clock.]

Thursday, 3rd April 1879.

MEMBERS PRESENT:

Mr. SECRETARY CROSS in the Chair.

Mr. Spencer Walpole.
Mr. Attorney General.
Mr. Attorney General for Ireland.

Sir William Harcourt.
Mr. Sullivan.
Mr. James Lowther.

Motion made, and Question, "That the office of Attorney General of the Colony of Victoria is an office or place of profit under the Crown, within the meaning of the Statutes in that behalf"—(*Mr. Attorney General for Ireland*),—put, and *agreed to*.

Motion made, and Question, "That Sir Bryan O'Loughlen has, since his Election for the County of Clare, accepted the said office, and has thereby, in the opinion of the Committee, vacated his Seat"—(*Mr. Attorney General for Ireland*),—put, and *agreed to*.

Motion made, and Question, "That the above Resolutions be reported to the House" (*The Chairman*),—put, and *agreed to*.

Ordered, To Report, together with the Minutes of Evidence and an Appendix.

LIST OF WITNESSES. ---

Monday, 24th March 1879.

	PAGE
Mr. Graham Berry - - - - -	1
Mr. William Dealtry - - - - -	2
Mr. John Bramston - - - - -	3
Sir Thomas Erskine May, K.C.B. - - - - -	5

Tuesday, 25th March 1879.

Mr. John Bramston - - - - -	10
Mr. William Dealtry - - - - -	13

MINUTES OF EVIDENCE.

Monday, 24th March 1879.

MEMBERS PRESENT:

Mr. Attorney General.
Mr. Attorney General for Ireland.
Mr. Secretary Cross.
Mr. William Edward Forster.

Lord Francis Hervey.
Mr. James Lowther.
Mr. O'Shaughnessy.
Mr. Spencer Walpole.

MR. SECRETARY CROSS, IN THE CHAIR.

Mr. GRAHAM BERRY, called in; and Examined.

Chairman.

1. You are, I believe, Prime Minister of the Colony of Victoria?—Yes.

2. Who was the Governor when Sir Bryan O'Loghlen was appointed Attorney General?—Sir George Bowen.

3. And this Paper, which I have received from the Colonial Office (*handing a Paper to the Witness*), is the appointment of Sir George Bowen?—Yes, this is the draft of instructions on the appointment of Sir George Bowen.

4. I will read the 5th paragraph for the information of the Committee: "And we do further authorise and empower you to constitute and appoint in our name and on our behalf all such judges, commissioners, justices of the peace, and other necessary officers and ministers of our said Colony, as may be lawfully constituted or appointed by us." I also put into your hands a Paper which I have received from the Colonial Office, containing the terms of Sir Bryan O'Loghlen's appointment by the Governor (*handing it to the Witness*)?—I have no doubt that that is perfectly accurate.

5. "To the Honourable Sir Bryan O'Loghlen, Baronet, M.L.A. of the City of Melbourne, in the Colony of Victoria, by the power and authority vested in me in this behalf: I, Sir George Ferguson Bowen, the Governor of the said Colony, relying on your loyalty, integrity, learning, and ability, have constituted and appointed, and by these presents do constitute and appoint you, the said Sir Bryan O'Loghlen, Baronet, to be the Attorney General of the said Colony of Victoria, to have, hold, and enjoy the said office unto you the said Sir Bryan O'Loghlen, Baronet, during pleasure and your residence in the said Colony, and execution of the duties of the said office in person, unless in case of sickness or leave of absence being duly granted to you, together with

0.64.

Chairman—continued.

all and singular the rights, powers, jurisdictions, and privileges to the said office appertaining, in the most full and ample manner. Given under my hand, and the Seal of the Colony, at Melbourne, in the said Colony, this 27th day of March, in the year of our Lord 1878, and in the 41st year of Her Majesty's reign. *G. F. Bowen*, Governor of Victoria, Melbourne. By His Excellency's command, *Graham Berry*"?—Yes.

6. On the appointment of the Attorney General under this Commission, had he to resign his seat in the Colonial Legislature?—Yes.

7. And then he was re-elected?—Yes.

8. Under what statute had he to resign his seat?—The 23rd of Victoria, chapter 91 (a Colonial Act): "An Act to limit the number of persons holding offices under the Crown who may sit and vote in the Legislative Council and Assembly of Victoria."

9. Would you read the section applying to this point?—That is the 5th Section: "If any member of the said Council or Assembly of Victoria, either directly or indirectly, become concerned or interested in any bargain or contract entered into by or on behalf of Her Majesty, or shall participate or claim to be entitled to participate, either directly or indirectly, in the profit thereof, or in any benefit or emolument arising from the same, or shall become bankrupt, or apply to take the benefit of any Act now or hereafter to be in force for the relief of insolvent debtors, or shall compound with his creditors, or accept any office or place of profit under the Crown, or shall in any character or capacity, for or in expectation of any fee, gain, or reward, perform any duty or transact any business whatsoever for or on behalf of the Crown, his seat shall thereupon become vacant."

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10. Would

Mr. Berry.

24 March
1879.

Mr. Berry.

24 March
1879.

Mr. Attorney General for Ireland.

10. Would you read the 3rd Section also, which specifies the Attorney General as one of the officers liable to retire from office on political grounds?—"Until such appointments as aforesaid shall have been made by the Governor, the persons for the time being holding the offices of Chief Secretary, Attorney General, Treasurer, President of the Board of Land and Works, or Commissioner of Crown Lands and Survey, Vice President of the Board of Land and Works, or Commissioner of Public Works, Commissioner of Trade and Customs, Solicitor General and Postmaster General, shall be capable of sitting and voting in the Legislative Council or Legislative Assembly of Victoria, provided that of the said persons four at least shall be members of the said Council or Assembly."

Chairman.

11. Could you tell the Committee how the Attorney General is paid?—There is a special appropriation which forms part of Schedule D. of the Constitution Act, by which 14,000 £. a year is set apart for the payment of the responsible Ministers of the Crown. That is varied in its distribution from time to time by the Government of the day sitting in Cabinet, and then it is made an Order of Council, and becomes binding until it is revoked and altered by any subsequent arrangement.

12. And how much of that is paid to the Attorney General?—Speaking from memory, I think 2,000 £. a year.

13. And has he any fees besides that, or is that the whole of his emolument?—He has certain fees connected with the Patent Office; those are all, I think.

14. And is that sum voted by the Colonial Legislature?—No; it is a special appropriation reserved in the Constitution Act.

15. The sum is reserved specially to Her Majesty?—Yes, a special appropriation in what is generally spoken of as Schedule D., which also

Chairman—continued.

reserved other sums for other purposes to Her Majesty.

16. Is this in the 18th & 19th Victoria, chapter 55, of the Imperial Statutes?—Yes, it forms a Schedule to that Act.

Mr. Forster.

17. I understand you to say that it is upon that part of Section 5 which says, that if any member of the Council or Assembly of Victoria shall accept any office or place of profit under the Crown, thereupon his seat shall become vacant, that you consider that Sir Bryan O'Loughlen vacated his seat in the Assembly?—Yes, certainly.

Mr. Attorney General for Ireland.

18. Is the Attorney General for Victoria appointed without the slightest reference whatever to the Home Government?—Yes.

19. And could he be dismissed by the mere prerogative of the Governor there?—Yes, certainly.

20. And supposing that the Attorney General left the Colony to take his seat in this Parliament, he would *ipso facto* vacate his office, because he would cease to reside in the Colony?—Certainly.

21. The terms of his appointment are "during residence in the Colony"?—Yes.

22. So that if Sir Bryan O'Loughlen appeared in this Parliament to take his seat, the mere fact of his appearance would be evidence that he had ceased to hold the office of Attorney General for Victoria?—Yes.

Mr. Lowther.

23. When you speak of residence, how would you define "residence"; we have, for instance, the pleasure of seeing you here to-day, but I presume you have not forfeited your position?—But I have special leave of absence.

24. That brings me to my point; that it is absence without leave which would vacate the seat?—Yes, that would be it.

Mr. WILLIAM DEALTRY, called in; and Examined.

Mr. Dealtry.

Chairman.

25. You come from the Colonial Office?—Yes.

26. What particular office in the Colonial Office do you hold?—I am the principal in charge of the Australian Department.

27. Do you produce to the Committee a copy of the telegraphic correspondence as to the appointment of Sir Bryan O'Loughlen?—Yes; I was told to do more, and bring the correspondence with the Governor. I have brought the Papers in original which have been recently transmitted to the Committee, with the exception of the acknowledgment by Sir Bryan O'Loughlen of the Address of the House of Commons and the Resolution of the Committee of August last; I find that that document was sent to the Speaker of the House of Commons in original on the 2nd of December last.

28. Have you got it there?—I have not got that particular document; I have a copy of it. A copy has been already sent to the Committee.

29. Will you put those Papers in?—Yes (*handing in the same*).

Chairman—continued.

30. Do you also put in the last telegrams?—Yes (*handing in the same*).

31. Have you also got a copy of the appointment of Sir George Bowen, the letters patent?—No, I have not brought that; but I believe Mr. Bramston has a copy of it.

32. Have you anything more to produce?—No.

Mr. Spencer Walpole.

33. There was a telegram sent through the Colonial Office to Sir Bryan O'Loughlen, was there not?—No, not direct; it was sent to the Governor instructing him to send home the full text of Sir Bryan O'Loughlen's Commission.

34. Was there no telegram to the Governor or to Sir Bryan O'Loughlen himself informing him of the notice given to him that this Committee was sitting upon the question?—There was a Despatch to the Governor dated the 13th of August.

35. Did Sir Bryan O'Loughlen make any answer to that?—Yes.

36. And

Mr. Spencer Walpole—continued.

36. And in making that answer did he say that he would attend or not attend the Committee?—He did nothing beyond acknowledging the receipt of the Address and of the Report.

Mr. Attorney General for Ireland.

37. There is one question which I should like to ask you on the 46th section of the 18 & 19 Vict. c. 55: I find of Section 46 the marginal note is "Civil List," and the section is, "There shall be payable in every year to Her Majesty, her heirs and successors, out of the consolidated revenue of Victoria, the several sums not exceeding in the whole One hundred and twelve thousand seven hundred and fifty pounds for defraying the expense of the several services and purposes named in the First, Second, Third, Fourth, Fifth, Sixth, Seventh, and Eighth parts of the Schedule to this Act annexed, marked D., and the said sums shall be issued by the Treasury of Victoria in discharge of such warrants as shall be from time to time directed to him under the hand of the Governor, and the said Treasurer shall account to Her Majesty for the same through the Lord Commissioners of Her Majesty's Treasury, in such manner and form as Her Majesty shall be graciously pleased to direct"; now Schedule D. mentions this Attorney Generalship of Victoria?—Yes.

38. And it is put under the salary of 2,000*l.* a year?—Yes, under Schedule D. of the Constitution Act.

39. Have these accounts been sent over from time to time?—No, I should say not with reference to that section.

40. Would they come to your department?—Yes, if they come at all. A year or two afterwards you might see them in the Estimates, and Appropriations.

41. But supposing this section was carried out, would the accounts be transmitted to the Treasury through you, the Colonial Office?—Yes; but I apprehend that it is not carried out.

42. The meaning of this is that this sum should be accounted for in some way to the Treasury over here?—If so required. But I do not think it has been. I should say that the Legislature of Victoria have power to alter that Act to a certain extent, and very likely they have done so.

43. I find that in a later section, Section 48, "It shall be lawful for the Governor to abolish

Mr. Attorney General for Ireland—continued.

any of the offices named in the third and fourth parts of the said Schedule, or to apply the sums thereby appropriated to such other purposes connected with the administration of the Government of Victoria as to Her Majesty, Her heirs and successors, shall seem fit;" is that the power of alteration that you refer to?—I think they have a power of alteration. It is 25 years since that enactment was made, and they have done a great deal since then. We occasionally send accounts to the Treasury when we get them from Victoria, but it is not considered necessary to do so; we in no way audit them or interfere with them.

Chairman.

44. You will be able to produce more evidence on that point to-morrow, perhaps?—Yes. The pay of the Attorney General differs in different years. Last year it was 1,701*l.* 8*s.* 1*d.*, and the year before it was 1,630*l.* 6*s.* 1*d.*

45. Where do you get those figures from?—I got the first figures from the Agent General for the Colony, and the second I got out of some special votes sent over.

46. Is that besides the 2,000*l.* a year?—No, I do not understand it so.

47. Will you inquire into that before to-morrow?—I will.

Mr. Lowther.

48. You mentioned that these financial statements, as you call them, are sent periodically from the Colony to the Colonial Office?—Yes.

49. As a matter of fact, is that done?—Yes. They come after the close of the year, very likely, but they do not come in a covering despatch, and we do not consider that they call for any special attention or action. We could not interfere in any way with the finances of the Colony.

50. You say that as a matter of fact they do come, but they come irregularly, and sometimes at long intervals?—Yes, I should say so.

51. When you get them, sooner or later, what is done with them?—If we consider them very important we send them to the Treasury.

52. And otherwise put them into the waste paper basket?—I would not go so far as to say that, but they are put aside.

Mr JOHN BRAMSTON, called in ; and Examined.

Chairman.

53. You are Assistant Under Secretary of State at the Colonial Office?—I am.

54. Do you produce a copy of the Commission of Sir George Ferguson Bowen?—I do (*producing it*).

Mr. O'Shaughnessy.

55. Do the Colonial authorities of this Colony notify to you such appointments as this of the Attorney Generalship?—Undoubtedly, the Governor would always report the formation of a new Ministry.

Chairman.

56. Have you anything more to say about this matter yourself?—I may say that the preparatory 0.64.

Chairman—continued.

tion of Commissions passes through my hands when they are made, and I am the Under Secretary in charge of the Australian Department.

57. You cannot give us any further information about the salary of the Attorney General?—No.

Mr. Attorney General for Ireland.

58. In "Chambers on Elections," under the heading of "Offices held to vacate seats," there is a long list of offices given, whose names would go to show that they were connected with the colonies, namely, Barbadoes, Virginia, Dominica, Gibraltar, Tobago, Jamaica, Leeward Islands, &c. Nothing whatever is stated there as to the nature, tenure, or mode of appointment to those offices;

Mr. Dealtry.

24 March
1879.

Mr. Bramston.

Mr.
Bramston.
24 March
1879.

Mr. Attorney General for Ireland—continued.
offices; would there be anything at all in the records of the Colonial Office that you know of, that would tell the Committee how these offices were created, whether they were appointed by the Governors of the day of those Colonies, or whether they were appointed by the Home Government. These are old appointments made, some of them at the end of the last century, and some of them at the beginning of this?—I have no doubt we could find the history of any one appointment as far back as that.

Chairman.

59. Would you be good enough before to-morrow, if you can, just to look at this paragraph in the memorandum drawn up by the Attorney General for Ireland in "Chambers on Elections" (page 421), under the heading of "Offices held to vacate seats." There is a long list comprising offices purporting to be of Barbadoes, Virginia, Dominica, Gibraltar, Tobago, Jamaica, Leeward Islands, &c., but nothing is stated as to their nature, tenure, or mode of appointment. Can you find anything on that point for us?—I could tell you now how the men are appointed in all those Colonies at the present day.

Mr. Attorney General for Ireland.

60. The present day would hardly do, because those that are in Crown Colonies are appointed over here by the Secretary of State?—They are nominated over here by the Secretary of State. The selection of all the principal offices is made here by the Secretary of State, but the actual appointment is done on the spot by the Governor. For instance, supposing a gentleman is sent out as Attorney General to a Colony, his name is selected by the Secretary of State here; the name is then submitted to the Queen, and a warrant is signed by Her Majesty authorising the governor to admit that particular man to the office. On the arrival of that warrant the Governor issues a Commission under his hand and the seal of the Colony.

Mr. Lowther.

61. Is that in the case of a Crown Colony?—Yes.

Mr. Attorney General for Ireland.

62. What the Committee would like to know, in regard to the various cases referred to in that memorandum, is whether in those very cases where it is said that the acceptance of such appointments vacates the seats, they were made in the way you have now described on nomination from home, and on a warrant from the Secretary of State to the Governor, and then completed by the Governor, or whether they were made altogether in this country?—That would depend very much on the nature of the office.

Mr. O'Shaughnessy.

63. Are we to understand that those appointments you now speak of made by the Governors in those Crown Colonies are made on a warrant from the Secretary of State?—A warrant from the Queen.

64. On a recommendation of the Secretary of State?—Selected by the Secretary of State, recommended to Her Majesty; Her Majesty signs

Mr. O'Shaughnessy—continued.

a warrant, and then the Governor issues a Commission under the seal of the Colony, and swears in the officer.

Mr. Attorney General.

65. There is no such warrant in the case of the appointment of the Attorney General for Victoria?—No, except the general authority to the Governor to appoint officers.

66. But no special warrant?—No.

Chairman.

67. And the selection is left entirely to the Governor in that case?—In Victoria to the Governor, who makes it upon the recommendation of the Prime Minister.

Mr. Lowther.

68. I think with regard to that list which the Attorney General for Ireland drew attention to, the Colony of Jamaica, at that time was a self-governing Colony, and had a Legislature, but has since become a Crown Colony?—Yes.

69. Had the others, not counting Jamaica, Legislatures?—I cannot say whether all had, but most of them would have.

70. In other words, they are substantially on all fours with Victoria in a constitutional point of view?—Yes, except that I do not know where to look for the constitution of Virginia.

Mr. Attorney General.

71. Supposing Her Majesty thought proper to dismiss the Attorney General for Victoria, is there anything to prevent her doing so; he holds that office "during pleasure"; during whose pleasure?—I take it, that if it were thought necessary to take such a step, the Queen, through the Secretary of State, would instruct the Governor to revoke the appointment.

Mr. O'Shaughnessy.

72. Do not I rightly understand, that the power of the Governor and of his Council in Victoria to appoint, to suspend, or to remove, is entirely derived from this Commission from the Queen?—No, I think not.

Mr. Attorney General for Ireland.

73. Section 37 of the Victoria Constitution Act states, "The appointment to public offices under the Government of Victoria, hereafter to become vacant or to be created, whether such offices be salaried or not, shall be vested in the Governor, with the advice of the Executive Council, with the exception of the appointments of the officers liable to retire from office on political grounds, which appointments shall be vested in the Governor alone"—Yes.

Mr. Forster.

74. With regard to the list that was read by the Attorney General for Ireland, from "Chambers on Elections," stating that the offices held to vacate seats comprised offices "purporting to be of Barbadoes, Virginia, Dominica, Gibraltar, &c."; as regards those Colonies, at the time this statement was held to apply, Jamaica was a Legislative Colony?—Yes, speaking from memory, it was.

75. And Barbadoes was a Legislative Colony?—Yes.

76. And

Mr. Forster—continued.

76. And Barbadoes is not now a Crown Colony?—No.

77. Are the Leeward Islands a Crown Colony?—Yes, there is a Legislature partly elected and partly nominated.

78. But Barbadoes, so far as constitutional arrangement is concerned, is as much a constitu-

Mr. Forster—continued.

tional Colony as Victoria?—It has an elected assembly and a nominated council.

79. As much so, then, as New South Wales?—Yes.

Mr. Lowther.

80. I think New South Wales and Victoria have no nominations at all?—New South Wales has nominations to the Legislative Council.

Sir THOMAS ERSKINE MAY, K.C.B., called in; and Examined.

Chairman.

81. You are, as we all know, Clerk of the House of Commons?—I am.

82. Do you produce the certificate of the return of Sir Bryan O'Loughlen as Member for Clare County?—Yes (*producing the same*). I have the certificate here which, perhaps, I had better read, "These are to certify that Sir Bryan O'Loughlen, Baronet, is returned a Member to serve in this present Parliament for the County of Clare, as by a certificate delivered into my office this day, and there now remaining of Record, appears. Given under my hand, at the said office, this Seventeenth day of August 1877." (signed) "C. Romilly, Clerk of the Crown in Chancery."

83. That is before the date of the appointment of Sir Bryan O'Loughlen as Attorney General for Victoria?—Yes; Sir Bryan O'Loughlen was appointed Attorney General for Victoria on the 27th of March 1878, as appears from a document before the Committee.

84. You have heard the papers read which have been put in; do you wish to say anything with regard to the authority under which his appointment as Attorney General of Victoria was made?—Yes; I am not sure that it appeared quite distinctly, or at all events it may perhaps be repeated, that being one of the responsible Ministers in Victoria, he is appointed by the Governor alone, and not by the Governor with the advice of the Executive Council, as other officers are appointed. I may add, perhaps, that there are only nine officers in Victoria who are allowed to sit in Parliament; those nine being the responsible Ministers of the Governor, for the time being.

85. Are they all appointed by the Governor and Council?—By the Governor alone, according to the terms of the Constitution Act of Victoria of 1854.

86. Have you anything to say as to the form of the appointment itself?—That has been lately read to the Committee; it is in accordance with the terms of the Constitution Act, inasmuch as it says, "By the power and authority vested in me in this behalf, I hereby appoint"; that is, I presume, under the authority derived from his Commission from the Crown, and also under the Constitution Act of Victoria.

87. Under the Commission which we have heard read?—Yes, both under the commission, and under the Constitution Act of Victoria.

88. Do you wish to say anything further than that with regard to the position of the Attorney General as a responsible Minister?—Pursuant to another Act of the Colony of Victoria, the 23rd Victoria, No. 91, he vacated his seat on accepting his appointment as Attorney General of the Colony, and was re-elected, as appears from the papers laid before the Committee last Session.

0.64.

Chairman—continued.

89. Do you wish to say anything as to the distinction between offices from the Crown, and offices under the Crown?—The statutes relating to such offices have been so fully explained in the memorandum laid before the Committee by Mr. Attorney General for Ireland, that I will not refer specifically to the statutes; but I think it is as well that the Committee should have distinctly before them the difference between offices from the Crown, and offices under the Crown, under those statutes. Now with regard to offices from the Crown, I think their nature has been distinctly defined by 41 Geo. 3, c. 52, as offices accepted "immediately and directly from the Crown." Such appointments are granted either by letters patent, by warrant, by commission, or by kissing of hands, or otherwise directly from the Crown.

90. Of course you are aware of the distinction between the old offices and the new offices?—Yes.

91. Have you anything to say on that point?—There is this peculiarity with regard to old offices under the Crown and not from the Crown, that the holders of them do not vacate their seats at all, as is well known, not only according to law, but also according to practice. For example the Under Secretaries of State, the Secretary to the Treasury, and the Secretary to the Admiralty, and other similar appointments, being old offices, do not come under the clauses of the Acts, and the seats of the holders of those offices are not vacated at all; while new offices of a similar tenure wholly disqualify.

92. Have you made any search as to precedents relating to offices in the Colonies?—Yes, I directed a search to be made in the Journals, and I have before me the result of that search (*producing some Papers*); but I apprehend they will generally be inapplicable to the present case. By far the greater number of them were obviously old offices, and were granted directly from the Crown, inasmuch as the Members who accepted the offices vacated their seats, and were returned again for the same places, and continued to sit in Parliament. Hence it is obvious, in the first place, that they were old offices, and granted directly from the Crown; and secondly, that the duties of those offices, if any, were performed in this country, as the holders of them continued to sit in Parliament. Such precedents appear to be scarcely in point, but I can hand them in to the Committee. (*The same were handed in.*)

Mr. Walpole.

93. Those are entirely cases of old offices, in fact, from the Crown?—Nearly all.

94. Have

Mr.
Bramston.
24 March
1879.

Sir
T. E. May,
K.C.B.

Sir
T. E. May,
K.C.B.
24 March
1879.

Chairman.

94. Have you anything to say about offices in settlements under the East India Company?—The law was held not to extend to the case of governors of any settlements of the East India Company, as not being under the Crown, although after 1793 the Crown had a concurrent power in the appointment of such governors, and could absolutely recall them. Attention was directed to this anomaly by the case of Mr. Lushington, the Governor of Madras, in 1829; and upon the recommendation of a Committee which inquired into that case, an Act was passed to disqualify governors and deputy governors of the East India Company (10 Geo. 4, c. 62). The Report of that Committee may be of some interest to the Committee.

95. Will you put it in?—Yes. (*The same was handed in.*)

96. Have you anything to say as to the precedent in the case of Mr. Huskisson?—In the case of Mr. Huskisson, as the Committee are aware from the Report that has been printed, the Election Committee came to no decision upon the point of law, as the fact of the appointment failed to be proved. The Governor, who had been recommended by the Secretary of State to appoint Mr. Huskisson, had not replied to that communication, and consequently there was no proof of the actual appointment of Mr. Huskisson to the office. That case, indeed, is really no precedent, as there was no decision on the point of law.

Mr. Walpole.

97. Was not that the case of an agent in this country?—Yes, it was the case of an agent in this country, but appointed by the Governor of Ceylon. The fact of the appointment was not proved, but otherwise that was a case in which the Governor would have appointed upon the recommendation of the Secretary of State. In that respect it obviously differs, very considerably, from the case now under the consideration of the Committee.

Mr. O'Shaughnessy.

98. How does it differ from the present case?—It differs from the present case, in my judgment, to this extent. In the case of Mr. Huskisson, the Secretary of State for War and the Colonies sent out, according to custom, a recommendation of Mr. Huskisson to fill the office; and it was customary for the Governor, in answer to that recommendation, to appoint the person recommended. Now, in the case of the Attorney General of Victoria, no such recommendation is made, nor is the Secretary of State cognisant, until after the appointment that such an appointment has, in fact, been made. The Governor has an independent power of appointment, under the Constitution Act of Victoria, and a general power of appointment under the Queen's Commission, and Instructions.

Chairman.

99. Do you wish to say anything about offices in the appointment of the governor of a colony?—Yes; the case of Mr. Huskisson naturally leads to that question. In that case, as I have already stated, there was a recommendation from the Government at home, but in the case of Victoria, and of every other colony in which there is responsible government, the Governor himself appoints. Limiting myself, however, to

Chairman—continued.

Victoria alone,—in that colony the Governor appoints by himself and without reference to the Home Government; he appoints those responsible Ministers who represent the majority, for the time being, in the legislature of the colony. Hence the position of a governor of a colony which has responsible government is obviously very different from that of the Governor either of a Crown colony or of a colony having a local legislature, but governed otherwise than under the latest system of responsible government.

100. Therefore, the case of those officers would entirely differ from the case of officers appointed under the Lord Lieutenant of Ireland?—Yes, but so far as any inference is to be raised from the case of officers under the Lord Lieutenant of Ireland, it may illustrate the position of the governor of a colony.

101. Will you explain to the Committee how it illustrates that position?—In this way: By the 41 Geo. 3, c. 52, s. 5, it was enacted that "no person holding any office or place of profit from or by the nomination or appointment of the Lord Lieutenant, created after the 33rd Geo. 3, c. 41 (I), shall be capable of being elected or of sitting or voting in any future Parliament." This provision shows that in the judgment of Parliament, at that time, new offices under the Lord Lieutenant did not disqualify, according to a due construction of the Irish Act of the 33rd Geo. 3; yet the Lord Lieutenant would seem to be as closely identified with the Crown as a Secretary of State, or any other Minister of the Crown. So far, therefore, as any deduction is to be drawn from the provisions of this statute, it would seem that an office in the appointment of a Governor, having a separate administrative authority, would not disqualify, unless there be some express enactment to that effect.

102. What do you consider the position of the Governor of Victoria, under responsible Government?—The position of the Governor of Victoria is that of a local constitutional sovereign. He has his responsible ministers, who advise him upon all acts of the Executive Government, and of legislation. Those responsible advisers again represent the majority in the local legislature, and he is bound to act according to their advice, or to change them, and to appeal to the country. His position is assuredly one of peculiar administrative independence,—a degree of independence never known in any Colonial Government, until the introduction of the principles of constitutional and responsible government in the Colonies.

103. Looking at the precedents which you have been able to find in the Journals, and having heard the authority given to the Governor of the Colony to appoint, and having read the terms of his appointment, what is your own view of the position of the Attorney General of Victoria with regard to this particular question?—The question which is referred to the Committee is really whether the Attorney General of Victoria has accepted a new office or place of profit under the Crown, according to the true intent and meaning of the English and Irish statutes. It appears to me that the office in question is not held under any of the conditions contemplated by those statutes. The holder is not under the influence of the Crown at home: the independence of Parliament is not concerned in his acceptance of a new office. He cannot be reckoned among the class of officers against whom those statutes were directed,

Chairman—continued.

directed, as being subservient to the Ministers of the Crown. No such office could have been in the contemplation of the Legislature, when those Acts were passed. These are the principal circumstances connected with the office, upon which the Committee will form its own decision.

104. Have you any other observation that you wish to make upon the case in any form or shape?—No.

Mr. Forster.

105. In describing the position of the Governor of Victoria as a local constitutional sovereign, you stated that such a position was unknown until self-government was given to the Colonies?—I think I did not use the word “unknown.” I said that it was not in existence to the same extent in an old colony, like Jamaica, for example.

106. That brings me exactly to the question that I wished to ask you; wherein does his position differ from the position which the Governor of Jamaica had in former times; or take the case of Barbadoes now, which for 200 years has had a Parliament of its own?—I apprehend that a much wider discretion is given to the Governor of Victoria than was given under any of the former Constitutions, when Ministers, at home, were still tenacious of their patronage.

107. If it should be proved that officers in Barbadoes vacated seats, you would not consider that that was necessarily a precedent applicable to this office?—Not necessarily; it would depend entirely upon the constitution of the Colony at the time, and the conditions under which offices were granted. Upon that I am not prepared to give any evidence.

108. Your remark as regards such an office not being contemplated by the Act would seem to me to apply quite as much to a man taking office and residing in Barbadoes, as it would to the Attorney General of Victoria?—No, I think not; it is different in this sense: it could not have been foreseen when the Act was passed that the whole law with regard to offices in the Colony of Victoria would be prescribed, as it has been, by local statutes. The Colony of Victoria has passed more than one Act relating to these offices. These offices are equivalent to offices from the Crown, being offices held directly from the Governor. These are the offices of responsible Ministers, the holders of which are entitled to sit in Parliament. There are also the holders of all other offices—equivalent to the new offices in this country—who are excluded from Parliament. There is, in short, a complete Colonial Code with reference to the position of offices in the Colony, which could never have been anticipated by Parliament at the time when these statutes were made relating to the Parliament of England.

Mr. O'Shaughnessy.

109. Does it not strike you that it was because Parliament could not at that time anticipate the various new offices and new positions that might be created that Parliament used the term “new offices”?—There were two reasons for using the words “new offices.” One, no doubt, was to discourage the multiplication of offices for purposes of patronage; and another was to exclude all the officers who might, from time to time, be appointed to such offices. But I may observe with reference to the term of “new offices,” that so little confidence had Parliament itself in the

0.64.

Mr. O'Shaughnessy—continued.

phraseology of these statutes, that with respect to most of the offices which were created by statute, after that time, some express provision was inserted in the statute creating them, again declaring their disqualification. Parliament was not satisfied to rely entirely upon the somewhat indefinite term “new offices.”

110. But this particular office was not created by an Act of the Imperial Parliament?—Not at all.

111. Therefore it was not possible for the Imperial Parliament to disqualify from sitting in Parliament a Member holding this office unless a particular Act was passed for the purpose?—So it would appear to me.

112. You have read the Warrant from the Queen enabling the Governor of Victoria to appoint to these offices?—I heard a paragraph from it read.

113. But you have at some time read it?—Yes.

114. It purports, does it not, to convey from the Sovereign to the Governor the power to appoint to these offices?—Yes, I think that was essential to mark the position of the Governor in relation to the Crown. Whatever constitutional power he may have under the Constitution Act of Victoria, he is, nevertheless, the representative of Her Majesty in the Colony; he exercises Her prerogatives, and acts under Her authority.

115. You have read the Victorian statute?—Yes.

116. Can you say whether it requires to be confirmed by the Queen at all, or whether it obtains its validity the moment it receives the assent of the Governor there?—The Constitution Act certainly received the sanction of the Government at home.

117. Do the Acts passed by the Colonial Parliament require to be approved by the Colonial Office here; at any rate the Constitution Act of the Victorian Parliament was approved by the Queen's representative there?—Yes, and it was approved also by the Colonial Minister at home, and by Her Majesty; and even by the Imperial Parliament itself, with certain amendments.

118. You think that that Victorian Act was both approved of by the Governor in the Colony, and was also approved of explicitly or by implication by the Minister of the Crown at home, and that Act speaks of this office as an “office under the Crown”?—Yes, it certainly does so, whatever may be the construction that the Committee may think proper to put upon it; and every public office throughout the British Empire is an office under the Crown. But with regard to that expression, I should hardly think that the term “under the Crown” used in the colonial statute could be regarded as identical with “new offices under the Crown,” comprised in the classes intended to be dealt with by the statutes of the mother country.

119. Under the Acts passed previously to the one referring to new offices, it was not necessary either before the Act was passed or subsequently that the office should be an office at home?—Not at all.

120. There have been cases where in Crown colonies or in places outside the three kingdoms, the obtaining of offices has disqualified persons from sitting in Parliament?—Clearly; there is no question of that. It has no reference to its being within the United Kingdom; it depends upon the tenure of the office.

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121. Therefore,
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Sir
T. E. May,
K.C.S.
24 March
1879.

Sir
T. E. May,
K.C.B.
24 March
1879.

Mr. O'Shaughnessy—continued.

121. Therefore, it is accurate to say that an office under the Crown within the meaning of the Act of George 3, to which we have referred, may be an office held outside the United Kingdom?—Clearly.

122. Does there happen to be any precedent at all for a seat in Parliament being vacated by a Member of Parliament taking an office in Hanover, when the King of England was King of Hanover?—I am not aware of any such case.

Lord Francis Hervey.

123. You expressed an opinion, I think, with reference to the 38th Geo. 3, c. 36?—No, I did not refer to that Act at all.

124. You expressed the opinion that the 41st Geo. 3, c. 52, was not declaratory in its operation, but was intended to enact something fresh?—I did not happen to enter upon that point. What I stated, or intended to convey, was that so far as any deduction was to be drawn from that Act, it would show that in the opinion of Parliament, at that time, an appointment to an office by a governor having an independent administrative authority did not vacate a seat.

125. You do not happen to know, do you, whether at the time of the passing of that Act any persons were holding such offices as the Act contemplates, and whether they found it necessary to get indemnities?—No. I think I may say that there was certainly no indemnity, because that would have been on record. Whether any gentleman may have refrained from coming into Parliament on that ground, I cannot say.

126. Is it clear with regard to the words in the Victorian Statute that the effect that the office of Attorney General is an office under the Crown, that they would only refer to the Colony of Victoria?—It only applies to an office under the Crown in the Colony of Victoria.

127. It has reference to colonial disqualification?—That is a matter for the Committee to decide.

Mr. Walpole.

128. As a matter of fact, it does operate, does it not, as a disqualification in Victoria, just in the same way as a new office accepted here would be a disqualification?—As a matter of fact, it does operate as a disqualification in Victoria, except in the case of nine specified offices.

129. That is in harmony with your opinion, that what was contemplated by the Act of Anne was an influence exercised upon the Parliament at home by a new office given to a person becoming a member of that Parliament?—Yes.

130. That is exactly the mischief that is provided against with reference to the Parliament of Victoria by the statutes passed by the Colonial Legislature?—Yes.

Lord Francis Hervey.

131. You look upon this as a question whether the case is within the mischief intended to be remedied by the old Acts, and not as a question whether this is verbally and literally an office under the Crown?—I look upon it in both aspects. I think in determining the meaning of the words in the statute, the Committee would also consider what lawyers call the true intent and meaning of the statutes, and the evils which were intended to be guarded against, when they were passed. Now the evils intended to be guarded against by these statutes were the multi-

Lord Francis Hervey—continued.

plication of new offices, and the intrusion into Parliament of a number of placemen, who were not independent, but were under the influence of the Ministers of the Crown.

Mr. Attorney General for Ireland.

132. With regard to the mischief at which all those Acts of Parliament were levelled, I understand that you consider that their object was to prevent the undue multiplication of placemen who might be assumed to be under the influence of the Crown, or the Ministers within the walls of Parliament?—Yes.

133. And if Sir Bryan O'Loughlen ceased to be Attorney General for Victoria, the moment he ceased to reside in the Colony of Victoria, and would therefore be free from office if he came to this country and took his seat in Parliament, do you think he would be beyond the mischief of the statutes?—I think he is entirely beyond the mischief of the statutes, whether he is in the colony or not. If he came home, divested of his office, he would be free from all official influences. Or he might possibly obtain leave of absence and attend to his duties in Parliament; that is conceivable, at all events; but still I apprehend, from his position in the Colony, he would not be very amenable to the influence of the Ministers of the Crown in this country.

134. The fifth section of the 51st Geo. 3, chap. 52, to which you have referred, and which is the section substantially stating that appointments made by the Lord Lieutenant of Ireland shall have the same effect as if they were appointments under the Crown, was passed since the Union?—Yes.

135. Therefore, it was passed at a time when the Lord Lieutenant had not a separate legislature in Ireland?—It was immediately after a separate legislature had been superseded; but the Lord Lieutenant still exercised a wide administrative authority, including the appointment to many offices.

136. Do you consider that the 5th section of the 41st Geo. 3, chap. 52, was merely passed from extreme caution, and was declaratory of the old law that would prevail in Parliament; or do you consider that it was a necessary qualification, and could only be introduced by legislation?—I think that it arose from the fact that on the union of the two countries it became necessary to define exactly what offices should vacate seats. It was evident that an officer appointed by the Lord Lieutenant would be, to use a phrase which has been already used, within the mischief of the former Acts, and therefore it was made clear, if there was any doubt about it before, by the Statute of the 41st Geo. 3.

137. With reference to your words, "if there was any doubt about it," supposing there was no 5th Section in the 41st Geo. 3, having regard to the position of the Lord Lieutenant of Ireland as being the direct representative of the Queen, not having a separate legislature either then or now in Ireland, do you consider that an appointment made by him, altogether independently of this section, could be described as an appointment held under the Crown?—Had it not been for that Statute, I should certainly have formed the opinion that an officer appointed by the Lord Lieutenant, under those circumstances, would have been disqualified; but, inasmuch as that Statute was passed, and one cannot believe that it was passed without reasonable occasion—in the opinion

Mr. Attorney General for Ireland—continued.

opinion of the lawyers of that time—I should be bound to take rather the other view. At all events there must have been doubts upon the subject, otherwise legislation would have been superfluous.

138. It might have been declaratory, might it not?—Yes.

Mr. Lowther.

139. I understand that you draw a distinction between the Act of a Governor and the Act of the Sovereign herself; that is to say, that a disqualification which is manifest, if the appointment was made by the Sovereign in person, does not, you say, attach to an appointment by a Governor?—Yes; I should say so in the case of a Governor under the constitutional system, where the Governor has a discretion without reference to the Crown. That is the distinction which separates the two classes of cases.

140. Is there anything, so far as you know, to prevent instructions being forwarded by the Secretary of State to the Governor of Victoria, directing him to make no appointment to any specified office; for instance, the office of Attorney General, without reference to the Colonial Office direct?—Such instructions might be given, but it is obvious that no such instructions were given to the Governor of Victoria in this case.

141. I ask whether there is anything, so far as you are aware, which would prevent the Secretary of State from transmitting instructions to the Governor of Victoria directing him to make no appointment to any named office, or, in fact, to any office at all, unless he previously communicated with the Secretary of State by telegraph for instructions?—The authority of the Crown over the Governor is not impaired by the Colonial Constitution Act; but I think, from the nature of responsible government in Victoria, it is not probable that the Secretary of State would give such instructions. The nomination to responsible offices rests with the Ministers or the Leaders of Opposition who have acquired the command of the majority in the Colonial Legislature. They advise the Governor to appoint certain responsible Ministers to form the Government of the time. They submit the list to the Governor, who, if he thinks fit, accepts it. I think it is scarcely a case in which the authority of the Crown at home would be interposed.

142. You hold then that the Governor could not be instructed to refer to the Home Government before doing any act of that kind, which he does on his own authority?—No. Of course the authority of the Crown remains intact; and if the responsible advisers of the Crown at home were to advise Her Majesty to send such instructions to the Governor, they might, no doubt, be sent, and the Governor would be bound to give effect to them; but, as a matter of practice, they are not sent, because constitutional Government is allowed to work itself freely out in the Colony.

143. The question I was asking was, whether, although it is not usual so to do, there is anything to render it illegal for the Secretary of State to adopt that course?—Clearly not; because the Governor has merely the administration of the government of the Colony, on behalf of Her Majesty, and he still remains subject to Her directions.

Mr. Lowther—continued.

144. That being so, the Governor being directly under the influence of the Government at home, that is to say, of the Crown, do you consider that there is any substantial difference, in a legal point of view, between an appointment made by a nominee of the Crown remaining, as you say, under the direct influence of the Crown, and an appointment made by the Crown itself?—Yes, I confess I do; but, of course, that is the question which the Committee have to determine. I have merely pointed out the distinction, that the Governor appoints under the Constitution Act of Victoria, as well as under his commission from the Crown. Both those authorities have to be considered in the matter, and I regard the Constitution Act as giving him a very wide discretion in the administration of the affairs of the Colony, including the appointment to offices.

Mr. Attorney General.

145. The Governor appoints in this case under the 37th Section of the Constitution Act of 1854?—Yes.

146. Because the Attorney General is an officer liable to retire from office on political grounds?—Yes.

147. Therefore in the Governor solely and wholly is vested the power of appointing the Attorney General?—Yes.

148. Let me have your attention for a moment to the Constitution Act of Victoria of 1854. It provides by Section 17, "If any Member of the Legislative Council, or the Legislative Assembly, shall accept any office of profit under the Crown during pleasure, his seat shall thereupon become vacant; but such person shall, if otherwise duly qualified, be capable of being re-elected"?—Yes.

149. So that the Victorian Constitution Act recognises that there may be in Victoria an "office of profit under the Crown"?—Yes.

150. Would you say that the Attorney Generalship of Victoria would be, in Victoria, such an office?—Yes, in Victoria certainly.

151. That is to say, the Attorney General being appointed by the Governor, would be disqualified, or rather he would come within this Act, because he would be liable to the influence of the Crown?—The object of that Statute is not so distinct as the object of the Statutes passed by the Imperial Parliament; but no doubt that Statute was founded upon the same general lines as those of the English Statutes. Some officers are allowed to sit, after re-election by their constituents; others are wholly disqualified. The Attorney General belongs to the former class.

152. The idea being that a man who held such an office might possibly be unduly influenced by the Crown?—Yes, I think the Colonial Legislature accepted the same principles as those which obtain in the mother country.

153. This being so, the Victorian Constitution Act of 1854 was approved and confirmed, so to speak, by an Imperial Act, the 18th and 19th Victoria, chapter 55?—Yes.

154. That is a confirmation not only by the Crown but by the Legislature of this country?—Yes.

Sir
T. E. May,
K.C.B.
24 March
1879.

Tuesday, 25th March 1879.

MEMBERS PRESENT:

Mr. Adam.
Mr. Attorney General for Ireland.
Mr. Secretary Cross.

Mr. James Lowther.
Mr. O'Shaughnessy.
Mr. Spencer Walpole.

MR. SECRETARY CROSS, IN THE CHAIR.

Mr. JOHN BRAMSTON, called in; and further Examined.

Mr.
Bramston.
25 March
1879.

Chairman.

155. You were referred yesterday to a paragraph in the Memorandum drawn up by the Attorney General for Ireland, in these words:—"In 'Chambers on Elections,' under the heading 'Offices held to Vacate Seats,' there is a long list of offices given whose names would go to show that they were connected with the Colonies, namely, Barbadoes, Virginia, Dominica, Gibraltar, Trinidad, Jamaica, Leeward Islands, &c.; nothing whatever is stated there as to the nature, tenure, or mode of appointment to those offices"; and you were good enough to say that you would look up those cases before to-day; have you done so?—I have done so, so far as I could.

156. Will you be good enough to take them in the order in which they stand here. Take, first of all, Barbadoes; what have you to say about that?—The office I referred to in Barbadoes was that of Chief Registrar, Sole Examiner, or Chancery Clerk of the Crown and the Peace. The name of the officer was G. A. Selwyn. The appointment was in 1753, and the Motion for the new Writ will be found in the 26th Volume of the Commons' Journals, at page 520. I have been unable to ascertain how that appointment was made, but I can say this, that it was not made by warrant. Any correspondence relating to it would be in the Record Office, but the Warrant Books are all in our Department.

157. You have searched them?—I have had them searched.

158. Was Barbadoes a Crown Colony at that time?—It was a Legislative Colony, with all the appointments made, as now, from home, that is, by the Queen, or the Governor, under Her instructions.

159. Under the instructions of the Crown?—Yes. As we are referring to Barbadoes, perhaps I may say that I have had an extract made from the oldest Barbadoes Commission that I could find. That was in the year 1741 or 1742. It runs in this way: "And we do hereby authorise and empower you to constitute and appoint Judges (and in cases requisite), Commissioners of Oyer and Terminer, Justices of the Peace, and other necessary officers and ministers in Our said Islands, respectively, for the better administration of justice, and putting the laws in execution, and to administer, or cause to be administered, unto them such oath or oaths as are usually given for the due execution and performance of offices

Chairman—continued.

and places, and for the clearing of truth in judicial causes."

160. Is that all you have to say as to Barbadoes?—No, I find that in 1768 Henry Beccles was appointed Attorney General of Barbadoes under the Great Seal of England.

161. Was the constitution of Barbadoes the same at that time?—It was a Legislative Colony, I believe, at that time; but in 1769, that is, the following year, some change was made in the constitution of Barbadoes, although what that change was I have not had time to ascertain. I find that in 1776 Mr. Bradford was appointed Solicitor General of Barbadoes, and in his case a Warrant was issued under the Royal Sign Manual directing the Governor to admit him to the office in the same way as the present Attorney General of Barbadoes has been appointed.

Mr. Walpole.

162. In those two cases the question of the seat did not arise, I suppose?—No, not in the last two cases that I have mentioned, but I thought it might be convenient to the Committee that I should give such information as I have. If I had time I could trace out a good many more.

Mr. O'Shaughnessy.

163. To whom was the instruction from the Crown that you read, addressed?—It was the Governor's Letters Patent.

164. It was addressed to the Governor?—It was the Governor's Commission issued under the Great Seal.

165. Is the office to which Mr. Beccles was appointed one of the offices included within those Letters Patent issued by the King to the Governor?—I should say not, seeing that as Attorney General he was appointed under the Great Seal.

166. Will you kindly read the offices mentioned in those letters patent?—"Judges, Commissioners of Oyer and Terminer, Justices of the Peace, and other necessary officers and ministers in our said Islands," which I should explain by saying that the Governor of Barbadoes was Governor of the Caribbee Islands generally, "for the better administration of justice, and putting the laws into execution."

167. Would there be any objection to have that

Mr. O'Shaughnessy—continued.

that Paper handed in?—I have already read the whole of it to the Committee. While speaking of Barbadoes, I may mention that I observe that there was another Barbadoes case cited by Chambers, indeed there were two more. One of those is the case of a Governor of Barbadoes, and I did not think it necessary to look up that case, he being, of course, the Queen's representative. A new Writ was moved for his seat, as will be found in the 23rd Volume of the Commons' Journals, at page 32. In the 24th Volume of the Journals, at page 161, in the year 1742, it will be found that a Writ was moved in the place of Andrew Stone, who had accepted the post of Secretary for Barbadoes. I have looked up his appointment, and I find that he was appointed under the Great Seal.

168. By Warrant, I presume?—No, the document in our office is a copy of the Warrant to the Law Officers to prepare (I forget the exact words); but a document to pass under the Great Seal for the purpose of granting this gentleman the office.

Chairman.

169. Therefore the appointment was direct from the Crown?—Yes.

170. Under the Sign Manual?—No; under the Great Seal.

Mr. Walpole.

171. In neither of those cases did any question arise as to whether the seat was vacated or not?—No.

172. It was assumed that the seat was vacated?—Yes; the Writ was moved on the ground that the seat was vacant by the appointment.

Chairman.

173. Have you anything more to say about Barbadoes?—No.

174. Will you take Virginia next?—With regard to Virginia, the office in question is that of Clerk of the Customs. The motion for a new Writ will be found in the 20th Volume of the Journals, at page 98.

175. What was the constitution of Virginia at that time?—I have not gone through it, but I have ascertained that in 1768 (that was some years later) the Attorney General of New York, A. D. Kempe, by name, was appointed upon Warrant. A Warrant was sent to the Governor to admit him.

176. Have you any further information to give to the Committee as to Virginia?—No.

177. Now will you go to Dominica?—In the 44th Volume of the Journals, at page 6, you will find that a Writ was moved in consequence of a gentleman, whose name I have not taken down, having accepted the Collectorship of Customs in Dominica.

178. Do you know what the constitution of Dominica was at that time?—No, I cannot say.

Mr. Adam.

179. In what year was that?—I did not look up the year; I may say that I had to go to the Temple Library to get at any of this information, and I had not time to work it all out completely.

Mr. Lowther.

180. The constitution of Dominica was altered, I see, lately?—Yes; but this would have been, presumably, about 1786.

0.84.

Chairman.

181. How was that person appointed, do you know?—No; I am under the impression that officers of Customs in the Colonies were appointed by the Commissioners of Customs in England; I could verify that, but that is my impression, because I have seen an old instruction to a Governor, in which there is reference to the Commissioners of Customs.

182. The Collectors of Customs in the Colonies were appointed direct by the Commissioners of Customs in England?—I imagine so.

Mr. O'Shaughnessy.

183. The seat was vacated in that case?—Yes; those seats were vacated; I could ascertain the mode of appointment by reference.

Chairman.

184. Have you anything further to say about Dominica?—No; that is the only case in Dominica by itself; there is a case of a Governor of the Leeward Islands.

185. We will come to them directly. Have you anything to say about Gibraltar?—In the 20th Volume of the Journals, at page 861, it will be found that a Writ was moved for.

186. Gibraltar was a Crown Colony?—Yes; the Member was appointed Commissary of Stores, so that he would be, probably, a military officer, but I did not trace that out. I doubt whether I could have verified it.

187. Now Trinidad?—There is the record of a Motion for a new writ in the 58th Volume of the Journals, at page 257; that would be at the beginning of this century. It was the case of a Commissioner for the Government.

188. What was the constitution of the Colony?—It would be legislative. I might perhaps have traced out that case, because being Commissioner for the Government, he probably would be one of several appointed to exercise the office of Governor.

189. Do you know how he was appointed?—I cannot say for certain, but presumably by Commission from the Queen.

190. Jamaica?—In the 61st Volume of the Journals, at page 3, it will be found that there was a Motion for a new Writ, in the case of a person who had become Lieutenant Governor. I did not trace that out, he being the Queen's representative. In the 30th Volume of the Journals, at page 4, in A.D. 1765, you will find that there was a new Writ moved for, because Mr. Nicholas Herbert was appointed Secretary for Jamaica. I am unable to trace the instrument of appointment. We presume that it was issued as a Patent in England; we have no record of it in our own Warrant Books.

191. What is the office of Secretary?—He is what is called Colonial Secretary now, that is to say, the Chief Civil Executive Officer under the Governor.

Mr. Adam.

192. How is he appointed?—At the present day he would be appointed by a Warrant to the Governor to admit him under a Commission under the Seal of the Colony.

Mr. Lowther.

193. That is since it became a Crown Colony?—No, at all times, as far back as our books would go.

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194. Was

*Mr.
Bramston.*
—
25 March
1879.

Mr.
Bramston.
25 March
1879.

Mr. Adam.

194. Was it a Crown Colony in former times?
—It was Legislative formerly.

Chairman.

195. Have you any more cases from Jamaica?
—There are only those two from Jamaica.

196. Then we come to the Leeward Islands?
—In the 54th Volume of the Journals, at page 146, there is the case of a Governor appointed to the Leeward Islands, his seat being vacated of course.

197. What was the Constitution of the Leeward Islands at that time?—It would have been Legislative; but this being the case of a Governor, of course I did not go further into it.

198. How would the Governor be appointed?
—He would be appointed by Commission from the Queen. And in the 33rd Volume of the Commons' Journals, at page 433, I find that in 1772 James Townsend Oswald vacated his seat on appointment as Secretary to the Leeward Islands. We have no trace of a Warrant for that appointment, therefore we presume that it was by Patent from the Crown.

199. Have you now completed the statement of the results of your search, or have you any further information?—There is also quoted by Chambers the case of a seat vacated by the appointment to the Governorship of Gibraltar; that will be found in the 50th Volume of the Journals, at page 308; and there is the case of a Governor of Nova Scotia, in the 31st Volume of the Journals, at page 9, and a Governor of the Cape of Good Hope, in the 69th Volume of the Journals, at page 125.

200. But all appointments of Governors would be direct from the Crown?—Yes; there is a case of a Lieutenant Governor of Upper Canada, in the 47th Volume of the Journals, at page 46. I am not sure how he would be appointed. I ought to have had the cases of Lieutenant Governors traced, because they may be different from the Governors. I can do so if it is wished; there are two of them. There is also a case quoted in this passage of Chambers in 1806; that is in the 61st Volume of the Journals, at page 335. Sir Charles Montagu Ormsby was appointed Recorder of the Prince of Wales' Island. We have no record of that appointment, and I am informed that at that time it would have been under the India Office. That completes the list of the names referred to by Chambers.

201. Have you anything further that you wish to state to the Committee?—I can hand in an extract from an old Commission to the Governor of the Leeward Islands in reference to appointments. It is dated 1733, and is in almost exactly similar terms to that of Barbadoes, which I have quoted (*the same was handed in*).

Mr. O'Shaughnessy.

202. Could we have some further information about the Collector of Customs in Dominica, and also some further information about Sir Charles Ormsby, who was appointed to the Recordship of the Prince of Wales' Island. I understand you to say that the latter appointment was probably made by the India Office, and therefore I suppose you would not be able to follow it up?—No, I should not in that case.

Mr. Adam.

203. Would that be by the East India Company?—I cannot say.

204. In all the cases you have mentioned the seats were vacated and the Writs moved, in consequence of the acceptance of those particular offices?—Yes.

205. It was not that the Members took the Chiltern Hundreds, or vacated their seats in any other way?—No, at least I have not verified every case, but, so far as I am aware, it was not so.

206. In the cases of the Collectorship of Customs in Dominica, and the Recordship of the Prince of Wales' Island, were the seats vacated in consequence of the acceptance of those particular offices?—Yes; I referred to five out of this list, and in each of those cases I find that Chambers has correctly referred to the Commons' Journals, and therefore I have no doubt that he is equally correct in the other cases.

207. The Writs were moved for in consequence of the acceptance of those particular offices?—Yes.

Mr. Louther.

208. Will you state briefly what were the cases you mentioned with regard to the Leeward Islands?—A Governor and a Secretary.

209. Only those two?—Yes, and the Collector of Customs in Dominica.

Mr. Attorney General for Ireland.

210. Which of those cases do you yourself think approaches most nearly to that of Sir Bryan O'Loughlen; you are acquainted with the way in which Sir Bryan O'Loughlen was appointed?—Yes, generally.

Mr. O'Shaughnessy.

211. Are you an expert in these matters?—I have been Attorney General in Australia. I was so in Queensland, which is of course not entirely similar.

Mr. Attorney General for Ireland.

212. Were you present yesterday when the documents were read?—Yes.

213. Are you aware, therefore, that the Governor of Victoria has, under the Constitution Act of that Colony, and under his own commission of appointment, the power of appointing the Attorney General without any reference to the Home Government?—Certainly.

214. And the power of dismissing him without any reference to the Home Government?—Yes.

215. Bearing those facts in mind, which of those cases to which you have referred the Committee now do you consider approaches most nearly to that of Sir Bryan O'Loughlen?—I imagine the case of Mr. Selwyn, the Chief Registrar, sole Examiner, or Chancery Clerk of the Crown and the Peace in Barbadoes.

Mr. O'Shaughnessy.

216. Did he vacate his seat?—Yes, he vacated his seat, but I cannot trace the mode of his appointment.

Mr. Attorney General for Ireland.

217. Speaking of the cases in which you are able to trace the mode of appointment, do you consider that there is any analogy between those cases

Mr. Attorney General for Ireland—continued.

cases and the case of Sir Bryan O'Loughlen?—I may state that I have only traced two; in fact, I ought rather to say that I have only traced one, and that bears no analogy to the case now before the Committee, because it was an appointment under the Great Seal.

218. So that, in fact, so far as your researches go, you have not been able to find any case that is analogous to that of Sir Bryan O'Loughlen?—I confined my researches chiefly to the cases cited by Chambers.

219. But as far as your researches have gone, you have not found a case that is analogous to that of Sir Bryan O'Loughlen?—No.

Mr. Lowther.

220. I think you have stated that you held the office of Attorney General in a Colony?—Yes, in Queensland.

Mr. O'Shaughnessy.

221. You were Her Majesty's Attorney General, were you not?—Yes.

222. Holding the office under the Crown?—I presume so; I have not my Commission with me to-day, but I was appointed by the Governor, but not under the advice of the Executive Council.

MR. WILLIAM DEALTRY, called in; and further Examined.

Chairman.

227. **MR. BERRY** told us yesterday, in answer to Question 11, "There is a special appropriation which forms part of Schedule D. of the Constitution Act, by which 14,000 *l.* a year is set apart for the payment of the responsible Ministers of the Crown. That is varied from time to time by the Government of the day sitting in Cabinet, and then it is made an Order of Council, and becomes binding, until it is revoked and altered by any subsequent arrangement;" has your attention been called to the 60th section of the Victorian Constitution Act?—Yes.

228. Section 60 is this: "The Legislature of Victoria, as constituted by this Act, shall have full power and authority, from time to time, by any Act or Acts, to repeal, alter, or vary all or any the provisions of this Act, and to substitute others in lieu thereof. Provided, it shall not be lawful to present to the Governor of the said Colony for Her Majesty's assent, any Bill by which an alteration in the constitution of the said Legislative Council or Legislative Assembly, or in the said Schedule hereby annexed, marked D., may be made unless the Second and Third Readings of such Bill shall have been passed with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and of the Legislative Assembly respectively?"—Yes.

229. Do you find analogous provisions in Section 4 of the Imperial Act, the Confirming Act?—Yes.

230. Can you tell us whether any such Bill did pass?—There have been only two such Bills, so far as I am aware, that have passed. The one was for an alteration amounting to 50,000 *l.* in order to provide for the abolition of State aid to Religion; this was done by a reserved Act which was sent home and approved by Order in 0.64.

Mr. O'Shaughnessy—continued.

223. Under a Warrant?—No, there was no Warrant.

224. Under the Letters Patent to the Governor constituting him Governor, and enabling him to make the appointment?—Yes, and then there was an appointment under the seal of the Colony.

[May I mention one question which was put to me yesterday; I refer to No. 67, which was, "And the selection is left entirely to the Governor in that case"; my answer reads, "In Victoria to the Governor and his Council." I wish to alter that, because what I meant to say was, that the selection is left to the Governor, who acts upon the recommendation of the chief of his Ministry.]

Mr. Lowther.

225. Upon the recommendation of the Prime Minister of the Colony?—Yes.

Mr. Attorney General for Ireland.

226. The Governor acts as a kind of local Sovereign?—Quite so. Perhaps I may add that in the West Indian Colonies, although they had legislative authority, the officers have been, as I understand, always appointed either direct by the Crown, or by Warrant, to the Governor, or by him upon instructions from home.

Chairman—continued.

Council; and the other was an Act relating to the allowances for the Staff of the Governor, &c., amounting to 5,000 *l.*, which were abolished. In that case also there was a reserved Act, which was sent home for approval. If you will be good enough to turn to Section 48 of the Imperial Confirming Act, the 18 & 19 Vict. c. 55, you will see that it says: "It shall be lawful for the Governor to abolish any of the offices named in the third and fourth parts of the said Schedule, or to apply the sums thereby appropriated to such other purposes connected with the administration of the Government of Victoria as to Her Majesty, her heirs and successors, shall seem fit." It speaks "of the offices named in the third and fourth parts," and the Attorney General is named in the third part, I think. I apprehend it has been the custom of the Ministers when a new Ministry has been appointed in Victoria, in accordance with their constitution, to arrange among themselves what their respective salaries shall be.

Mr. Attorney General for Ireland.

231. I pointed out to you yesterday, in Question 43, that very section, and asked whether you thought it gave the power of alteration that you referred to, and your answer was, "I think they have a power of alteration"?—Yes.

232. But this section gives no power of alteration; what it gives is a power of absolute abolition. It would be competent under this 48th Section to abolish the Attorney Generalship altogether, but that cannot be the section under which the salary of the Attorney General was cut down from 1,700 *l.* odd, to 1,600 *l.* odd?—It says, "Or to apply the sums thereby appropriated to such other purposes," and so on.

233. But that would be after the abolition of the

Mr. Bramston.
25 March
1879.

Mr. Dealtry.

Mr.
Dealtry.
25 March
1879.

Mr. Attorney General for Ireland—continued.

the office; the abolition would be a condition precedent?—I believe the case to be as I have said, but Sir Archibald Michie is really the only person who is capable of giving precise information upon these subjects, as this legislation occurred so long ago. He was Attorney General of Victoria in 1857, shortly after this Act was promulgated, and again in 1870. He is now the Agent General for Victoria in London.

Chairman.

234. That is the only way you can account for the difference between these sums which you mentioned in answer to Question 44, namely, 1,701 £. and 1,630 £.?—Yes, I cannot understand it otherwise; I think they must have arranged it amongst themselves; you will observe that they are broken sums.

235. The accounts of the way in which this 14,000 £. has been spent ought to be submitted to Her Majesty's Treasury, ought they not?—The Act says, "In such manner and form as Her Majesty shall be graciously pleased to direct;" that is in Section 46 of the 18 & 19 Vict. c. 55, but I cannot find out that any instructions were ever sent out in Her Majesty's name, saying in what manner and form those accounts should be sent home, and therefore, I believe they have, in fact, never been sent to the Treasury.

236. Consequently, that section is a dead letter, in fact?—I think so; exactly the same words appear in the New South Wales Constitution Act. Perhaps I may be allowed to call the attention of the Committee to part of a Despatch from the Secretary of State to the Governor, in sending out the Constitution Act, showing that he clearly anticipated that the Act would be altered. It is in a Parliamentary Paper of the 24th July 1856. The Despatch is signed by Lord John Russell, and it says, in paragraph 12, "It is, however, by no means their wish (that is, the wish of the Government) to enforce on the Colony the observance of the present arrangement as final. They believe it to be of great importance to the political well-being of a com-

Chairman—continued.

munity, that certain services of the higher class should be provided for by law, and not subject to annual vote. But they regard this as a subject of strictly local, however high, concern, and that they would not be justified in throwing other obstacles in the way of its reconsideration than what the local legislature have themselves thought proper to raise."

Mr. Attorney General for Ireland.

237. But that merely states in the form of a despatch what is already referred to in Section 4 of the Imperial Confirming Act, the possibility of alteration?—Yes; that section gave the power, but this anticipates that the power will be carried out; that the Colony would make the alteration.

Mr. Lowther.

238. I believe you wish to correct a question and an answer in yesterday's Evidence?—Yes; I wish to ask you to alter the form of your question.

239. In Questions 51 and 52, I inquired, "When you get them" (that is, the accounts from the Colonies), "sooner or later, what is done with them?" and you said, "If we consider them very important we send them to the Treasury"; then I asked, "And otherwise put them into the waste-paper basket?" and you said, "I would not go so far as to say that, but they are put aside"; of course, I am aware from my knowledge of the office that a waste-paper basket does not exist?—No. When we receive these Sessional Papers, which are sent over rather irregularly, they are almost always looked through, and when we find in them matter of interest to any Department, such as Telegraphs, which would be of interest to the Post Office, or Railways, which would be of interest to the Board of Trade, or to the Institution of Civil Engineers, they are sent to those Departments; but papers relating to the expenditure are usually put aside for purposes of reference. As I said yesterday, if we consider them very important, they are sent to the Treasury.

A P P E N D I X.

LIST OF APPENDIX.

Appendix, No. 1.

Papers handed in by Mr. Dealtry :	PAGE.
Despatch from the Colonial Office to Governor of Victoria - - - - -	17
Despatch from the Governor of Victoria to the Colonial Office - - - - -	17
Telegram from the Secretary of State for the Colonies to the Governor of Victoria, dated 18th March 1879 - - - - -	18
Telegram from the Governor of Victoria to the Secretary of State, dated Melbourne, 19th March 1879 - - - - -	18

Appendix, No. 2.

Papers handed in by Mr. Bramston, 24 March 1879 :	
Victoria.—Draft of a Commission passed under the Great Seal of the United Kingdom appointing Sir George Ferguson Bowen, G.C.M.G., to be Governor and Commander in Chief of the Colony of Victoria and its Dependencies.—Letters Patent, dated 21st May 1878 - - - - -	19
Victoria.—Draft of Instructions passed under the Royal Sign Manual and Signet to George Ferguson Bowen, G.C.M.G., as Governor and Commander in Chief of the Colony of Victoria and its Dependencies.—Dated 21st May 1878 - - - - -	21

Appendix, No. 3.

Paper handed in by Mr. Bramston, 25 March 1879 :	
Extract from Governor Mathews's Commission.—Leeward Islands, 10 May 1723 - - -	23

Appendix, No. 4.

Papers handed in by Sir Thomas Erskine May, 24 March 1879 :	
(A.)—Extracts from Journals of the House of Commons - - - - -	24
(B.)—Report from the Select Committee respecting Members accepting Offices Abroad - - -	26

Appendix, No. 5.

Memorandum handed in by Mr. Attorney General for Ireland - - - - -	30
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A P P E N D I X.

Appendix, No. 1.

PAPERS handed in by Mr. Dealtry.

DESPATCH from the Colonial Office to Governor of Victoria.

Appendix, No. 1.

(Victoria.—No. 95.)

Sir,
I HAVE the honour to transmit to you a copy of the Report from a Select Committee of the House of Commons appointed to inquire whether Sir Bryan O'Loughlen has vacated his seat for the county of Clare by accepting the office of Attorney General of the Colony of Victoria.

Downing-street, 13 August 1878.

H. C. 343—
8 August 1878.

I also enclose a copy of an Address agreed to by the House of Commons, directing me to communicate a copy of the Report from the Select Committee to Sir Bryan O'Loughlen.

I have, therefore, to request that you will communicate the documents which I now enclose to Sir Bryan O'Loughlen, and that you will ask him to furnish an acknowledgment of their receipt for transmission to me.

Governor Sir G. F. Bowen, G.C.M.G.,
&c. &c. &c.

I have, &c.
(signed) M. E. Hicks Beach.

DESPATCH from the Governor of Victoria to the Colonial Office.

(Victoria.—No. 191.)

Sir,
I HAVE the honour to acknowledge the receipt, on the 2nd instant, of your Despatch, No. 95, of the 13th August ultimo, transmitting a copy of the Report from a Select Committee of the House of Commons, appointed to inquire whether Sir Bryan O'Loughlen has vacated his seat for the county of Clare by accepting the office of Attorney General of the Colony of Victoria; also a copy of an Address agreed to by the House of Commons directing you to communicate a copy of the Report from the Select Committee to Sir Bryan O'Loughlen.

Government House, Melbourne, 8 October 1878.

2. In pursuance of your instructions, I have communicated the above-mentioned documents to Sir Bryan O'Loughlen, and I now transmit his acknowledgment of their receipt.

Enclosure.

The Right Hon.
Sir M. E. Hicks Beach, Bart., M.P.,
&c. &c. &c.

I have, &c.
(signed) G. F. Bowen.

Appendix, No. 1.

Enclosure in Despatch, No. 191, of 1878.

Sir,

Crown Law Office, Melbourne, 7 October 1878.

I HAVE the honour to acknowledge the receipt of a copy of the Report from a Select Committee of the House of Commons appointed to inquire whether I have vacated my seat for the County of Clare by accepting the office of Attorney General of this Colony; also a copy of an Address agreed to by the House of Commons that a copy of that Report should be communicated to me.

His Excellency the Governor of Victoria,
&c. &c. &c.

I have, &c.
(signed) *Bryan O'Loughlen.*

TELEGRAM from the Secretary of State for the Colonies to the Governor of Victoria,
dated 18th March 1879.

Urgent.—Telegraph to me immediately for House of Commons, in full, Sir Bryan O'Loughlen's Commission as Attorney General.

TELEGRAM from the Governor of Victoria to the Secretary of State, dated Melbourne,
19th March 1879.

The following is true copy of Sir Bryan O'Loughlen's Commission as Attorney General for Victoria by His Excellency Sir George Ferguson Bowen, Knight, Grand Cross of the most distinguished Order of Saint Michael and Saint George, Governor and Commander in Chief in and over the Colony of Victoria and its dependencies, and Vice Admiral of the same, &c. &c. &c.

To the Honourable Sir Bryan O'Loughlen, Baronet, M.L.A. of the City of Melbourne, in the Colony of Victoria, by the power and authority vested in me in this behalf:—I, Sir George Ferguson Bowen, the Governor of the said Colony, relying on your loyalty, integrity, learning, and ability, have constituted and appointed, and by these presents do constitute and appoint you the said Sir Bryan O'Loughlen, Baronet, to be the Attorney General of the said Colony of Victoria, to have, hold, and enjoy the said office unto you the said Sir Bryan O'Loughlen, Baronet, during pleasure and your residence in the said Colony, and execution of the duties of the said office in person, unless in case of sickness or leave of absence being duly granted to you, together with all and singular, the rights, powers, jurisdictions, and privileges to the said office appertaining in the most full and ample manner. Given under my hand, and the seal of the Colony, at Melbourne, in the said Colony, this 27th day of March, in the year of our Lord 1878, and in the 41st year of Our Majesty's reign.

(?) Her.

G. F. Bowen,
Governor of Victoria,
Melbourne.

By His Excellency's Command,
Graham Berry.

Appendix, No. 2.

PAPERS handed in by Mr. Bramston, 24 March 1879.

VICTORIA.

Appendix, No. 2.

DRAFT of a COMMISSION passed under the Great Seal of the United Kingdom appointing Sir George Ferguson Bowen, G.C.M.G., to be Governor and Commander in Chief of the Colony of Victoria and its Dependencies.—Letters Patent, dated 21st May 1873.

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, to our Trusty and Well-beloved Sir George Ferguson Bowen, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, Greeting.

- I. WHEREAS We did, by certain Letters Patent, under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing date at Westminster the twenty-third day of May, one thousand eight hundred and sixty-six, in the twenty-ninth year of Our reign, constitute and appoint Our Trusty and Well-beloved John Henry Thomas Manners Sutton, commonly called the Honourable John Henry Thomas Manners Sutton (now Our Right Trusty and Well-beloved Cousin John Henry Thomas Viscount Canterbury, Knight Commander of Our Most Honourable Order of the Bath), to be, during our pleasure, Our Governor and Commander in Chief in and over Our Colony of Victoria, as upon relation being had to the said recited Letters Patent will more fully and at large appear. And whereas, by certain other Letters Patent under the Great Seal of Our said United Kingdom bearing date at Westminster the eleventh day of March, one thousand eight hundred and seventy, in the thirty-third year of Our reign, We did provide that the powers of Our Governor should not vest in Our Lieutenant Governor or the officer administering the Government of Our said Colony of Victoria until he had taken the usual oaths of office. Now know you that We have revoked and determined, and by these presents do revoke and determine the said recited Letters Patent, and every clause, article, and thing therein contained: And further know you, that We, reposing especial trust and confidence in the prudence, courage, and loyalty of you the said Sir George Ferguson Bowen, of Our special grace, certain knowledge, and mere motion, have thought fit to constitute and appoint, and do by these presents constitute and appoint you to be, during Our pleasure, Our Governor and Commander in Chief in and over Our Colony of Victoria (comprising the territories bounded on the west by Our Colony of South Australia, on the south by the sea, and on the east and north by a straight line drawn from Cape Howe to the nearest Source of the River Murray, and thence by the course of that river to the Eastern Boundary of the Colony of South Australia) and its dependencies, hereinafter called our said Colony. And we do hereby authorise and command you in due manner to do and execute all things that shall belong to your said command, and to the trust We have reposed in you according to the several powers and authorities granted or appointed you by virtue of this present Commission, and according to such instructions as are herewith given to you, or as may from time to time hereafter be given to you, under our Sign Manual and Signet, or by Our Order in Our Privy Council, or by Us through one of Our Principal Secretaries of State, and according to such Laws and Ordinances as are or shall hereafter be in force in Our said Colony.
- II. And We do hereby authorise and empower you to keep and use the Public Seal of Our said Colony for sealing all things whatsoever that shall pass the said Public Seal.
- III. And we do further authorise and empower you, in Our name and on Our behalf, to make and execute under the said Seal grants and dispositions of any lands which may be lawfully granted and disposed of by Us within Our said Colony.
- IV. And We do hereby declare Our pleasure to be that there shall be an Executive Council for Our said Colony, and that the said Council shall consist of such persons as are now or may at any time be declared by any Law enacted by the Legislature of Our said Colony to be Members of Our said Council, and of such other persons as you shall, from time to time, in Our name and on Our behalf, but subject to any Law as aforesaid, appoint under the said Seal to be Members of Our said Council.

Preamble.

Cites Governor Viscount Canterbury's Commission, 23rd May 1872.

Letters Patent of 11th March 1870, cited.

Revocation of Letters Patent of 1867 and 1870.

Appointment of Sir G. F. Bowen as Governor.

Boundaries.

Governor's powers and authorities.

Public seal.

Grant of lands.

Appointment of Executive Council

Appendix, No. 2.

Appointment of
Judges and Jus-
tices, &c.

V. And We do further authorize and empower you to constitute and appoint in Our name and on Our behalf all such Judges, Commissioners, Justices of the Peace, and other necessary Officers and Ministers of Our said Colony as may be lawfully constituted or appointed by Us.

Grant of pardons.

VI. And We do further authorize and empower you as you shall see occasion, in Our name and on Our behalf, when any crime has been committed within Our said Colony, to grant a pardon to any accomplice, not being the actual perpetrator of such crime, who shall give such information and evidence as shall lead to the apprehension and conviction of the principal offender; and further to grant to any offender convicted of any crime in any Court, or before any Judge, Justice, or Magistrate within Our said Colony, a pardon, either free or subject to lawful conditions, or any respite of the execution of the sentence of any such offender, for such period as to you may seem fit, and to remit any fines, penalties, or forfeitures which may become due and payable to us.

Remission of fines.

Suspension or re-
moval from office.

VII. And we do further authorize and empower you, so far as We lawfully may, upon sufficient cause to you appearing, to remove from his office, or to suspend from the exercise of the same, any person exercising any office or place within Our said Colony, under or by virtue of any Commission or Warrant granted, or which may be granted, by Us in Our name or under Our authority.

Summoning, pro-
roguing, or dis-
solving any Legis-
lative Body and
appointment of
Members thereto.

VIII. And We do hereby further authorize and empower you to exercise all powers lawfully belonging to Us in respect of the summoning, proroguing, or dissolving any Legislative Body now or hereafter established within Our said Colony, and in respect of the appointment of Members thereto.

Power of granting
marriage licenses
and probates of
wills; custody of
idiots.

IX. And We do by these presents authorize and empower you, within Our said Colony, to exercise all such powers as We may be entitled to exercise therein in respect of granting licenses for marriages, letters of administration, and probates of wills, and with respect to the custody and management of idiots and lunatics, and their estates.

Succession to the
Government.

X. And We do hereby declare Our pleasure to be that, in the event of your death, incapacity, or absence out of the said Colony, all and every the powers and authorities herein granted to you shall, until Our further pleasure is signified therein, be vested in such person as may be appointed by Us under Our Sign-Manual and Signet to be Our Lieutenant Governor of Our said Colony, or if there shall be no such Lieutenant Governor in our said Colony, then in such person or persons as may be appointed by Us under Our Sign-Manual and Signet to administer the Government of the same. Provided that no such powers or authorities shall vest in such Lieutenant-Governor, or such other person or persons, until he or they shall have taken the oaths appointed to be taken by the Governor of Our said Colony, and in the manner provided by the Instructions accompanying this Our Commission.

Proviso, Lieutenant
Governor, &c., to
take oaths of office
before administer-
ing the Govern-
ment.

Officers and others
to obey and assist
the Governor.

XI. And We do hereby require and command all Our Officers and Ministers, Civil and Military, and all other the inhabitants of Our said Colony of Victoria, to be obedient, aiding, and assisting unto you the said Sir George Ferguson Bowen, or, in the event of your death, incapacity, or absence, to such person or persons as may, from time to time, under the provisions of this Our Commission, administer the Government of Our said Colony.

In Witness whereof We have caused these Our Letters to made Patent. Witness Ourselves at Westminster, the Twenty-first day of May, in the Thirty-sixth Year of Our Reign.

By Warrant under the Queen's Sign-Manual.

C. Romilly.

VICTORIA.

DRAFT OF INSTRUCTIONS passed under the Royal Sign-Manual and Signet to Sir George Ferguson Bowen, G.C.M.G., as Governor and Commander in Chief of the Colony of Victoria and its Dependencies.—Dated 21st May 1873.

VICTORIA, R.

INSTRUCTIONS to Our Trusty and Well-beloved Sir George Ferguson Bowen, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, Our Governor and Commander in Chief in and over Our Colony of Victoria and its Dependencies, or, in his absence, to Our Lieutenant Governor or the Officer administering the Government of Our said Colony for the time being.

Given at Our Court at Balmoral, this twenty-first day of May 1873, in the thirty-sixth year of Our Reign.

- I. WHEREAS by a Commission under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing even date herewith, We have constituted and appointed you, the said Sir George Ferguson Bowen, to be during Our pleasure Our Governor and Commander in Chief in and over Our Colony of Victoria and its Dependencies, and have further authorised and commanded you in due manner to do and execute all things that shall belong to your said command and the trust thereby reposed in you, according to the several powers and directions therein mentioned, and particularly according to such instructions as should therewith be given to you: now, therefore, We do by these Our instructions under Our Sign Manual and Signet, being the instructions so referred to as aforesaid, declare Our pleasure to be that you shall, with all due solemnity, cause Our said Commission to be read and published in the presence of the Chief Justice for the time being or other Judge of the Supreme Court of Our said Colony, and of the Members of the Executive Council thereof; and you shall then and there take the oath of allegiance in the form provided by an Act passed in the Session holden in the thirty-first and thirty-second years of Our reign, intituled "An Act to amend the Law relating to Promissory Oaths;" and likewise that you take the usual oath for the due execution of the office of Our Governor and Commander in Chief in and over Our said Colony, and for the due and impartial administration of justice; which oaths the said Chief Justice for the time being of Our said Colony, or in his absence any Judge of the Supreme Court of Our said Colony, shall, and he is hereby required to tender and administer unto you.
- II. And We do authorise and require you from time to time, and at any time hereafter, by yourself or by any other person to be authorised by you in that behalf, to administer to all and to every person or persons, as you shall think fit, who shall hold any office or place of trust or profit, the said oath of allegiance, together with such other oath or oaths as may from time to time be prescribed by any laws or statutes in that behalf made and provided.
- III. And We do require you to communicate forthwith to Our Executive Council for Our said Colony these Our instructions, and likewise all such others, from time to time, as you shall find convenient for Our service to be imparted to them.
- IV. And We do hereby direct and enjoin that Our said Executive Council shall not proceed to the dispatch of business unless duly summoned by your authority, nor unless two Members at the least (exclusive of yourself or the Member presiding) be present and assisting throughout the whole of the meetings at which any such business shall be dispatched.
- V. And We do further direct and enjoin that you do attend and preside at the meetings of Our said Executive Council, unless when prevented by some necessary or reasonable cause, and that in your absence such Member as may be appointed by you in that behalf, or in the absence of any such Member, the senior member of the said Executive Council actually present, shall preside at all such meetings; the seniority of the members of the Council being regulated according to the order of their respective appointments as members of Our said Council.
- VI. We do further direct and enjoin that a full and exact journal or minute be kept of all the deliberations, acts, proceedings, votes, and resolutions of our said Executive Council; and that, at each meeting of the said Council, the minutes of the last meeting be read over and confirmed, or amended, as the case may require, before proceeding to the dispatch of any other business.
- VII. And We do hereby direct and enjoin that, in execution of the powers and authorities committed to you by our said Commission, you do in all cases consult with Our said Executive Council, excepting only in cases which may be of such a nature that, in your judgment, Our service would sustain material prejudice by consulting Our Council thereupon, or when the matters to be decided shall be too unimportant to require their advice, or too urgent to admit of their advice being given by the time within which it may be necessary for you to act in respect of any such matters: Provided that, in all such urgent cases, you
- Preamble.
- Publication of Commission.
- Oaths to be taken by Governor.
Imperial Act, 31 & 32 Vict. c. 72.
- Oaths to be administered by the Governor.
- Governor to communicate instructions to Executive Council.
- Executive Council not to proceed to business unless summoned.
Quorum.
- Governor to preside.
- Seniority of members.
- Journals and minutes to be kept.
- Governor to consult Executive Council.
- Proviso. Urgent cases.

Appendix, No. 2.

you do subsequently, and at the earliest practicable period, communicate to the said Council the measures which you may have so adopted, with the reasons thereof.

Governor may act in opposition to Executive Council.

Reporting the grounds for so doing.

VIII. And We do authorise you, in your discretion, and if it shall in any case appear right, to act in the exercise of the power committed to you by Our said Commission in opposition to the advice which may in any such case be given to you by the Members of Our said Executive Council: Provided, nevertheless, that in any such case you do fully report to Us, by the first convenient opportunity, any such proceeding, with the grounds and reasons thereof.

Rules to be observed in assenting to, dissenting from, or reserving Bills.

IX. And in the execution of so much of the powers as are vested in you by law for assenting to, or dissenting from, or of reserving for the signification of Our pleasure Bills which may have been passed by the Legislature of Our said Colony, We do direct and enjoin you to guide yourself, as far as may be practicable, by the following rules, directions, and instructions; that is to say,

Different subjects not to be mixed in the same law.

No clause to be introduced foreign to what the title imports.

Description of Bills not to be assented to.

X. In the passing of all laws, each different matter is to be provided for by a different law, without intermixing in one and the same Act such things as have no proper relation to each other; and no clause is to be inserted in, or annexed to, any Act which shall be foreign to what the title of such Act imports, and no perpetual clause is to be part of any temporary law.

XI. You are not to assent in Our name to any Bill of any one of the classes hereinafter specified; that is to say,—

1. Any Bill for the divorce of persons joined together in holy matrimony.
2. Any Bill whereby any grant of land or money, or other donation or gratuity, may be made to yourself.
3. Any Bill whereby any paper, or other currency, may be made a legal tender, except the coin of the realm, or other gold or silver coin.
4. Any Bill imposing differential duties.
5. Any Bill the provisions of which shall appear inconsistent with obligations imposed upon Us by Treaty.
6. Any Bill interfering with the discipline or control of Our forces in the Colony by land and sea.
7. Any Bill of an extraordinary nature and importance, whereby Our prerogative, or the rights and property of Our subjects not residing in the Colony, or the trade and shipping of the United Kingdom and its dependencies, may be prejudiced.
8. Any Bill containing provisions to which Our assent has been once refused, or which have been disallowed by us:—

Unless such Bill shall contain a clause suspending the operation of such Bill until the signification in the Colony of Our pleasure thereupon, or unless you shall have satisfied yourself that an urgent necessity exists requiring that such Bill be brought into immediate operation, in which case you are authorised to assent in Our name to such Bill, unless the same shall be repugnant to the law of England, or inconsistent with any obligations imposed upon Us by Treaty. But you are to transmit to Us, by the earliest opportunity, the Bill so assented to, together with your reasons for assenting thereto.

Laws sent home to have marginal abstracts.

Journals and Minutes.

XII. You will take care that all laws assented to by you in Our name, or reserved for the signification of Our pleasure thereon, shall, when transmitted by you, be fairly abstracted in the margins, and be accompanied in such cases, as may seem to you necessary, with such explanatory observations as may be required to exhibit the reasons and occasion for proposing such laws; and you shall also transmit fair copies of the Journals and Minutes of the proceedings of the Legislative Bodies of Our said Colony, which you are to require from the clerks, or other proper officers in that behalf, of the said Legislative Bodies.

Regulation of power of pardon.

XIII. And whereas We have, by Our said Commission, authorised and empowered you, as you shall see occasion, in Our name and Our behalf, to grant to any offender convicted of any crime in any Court, or before any judge, justice, or magistrate within Our said colony, a pardon, either free, or subject to lawful conditions: Now We do hereby direct and enjoin you to call upon the judge presiding at the trial of any offender who may from time to time be condemned to suffer death by the sentence of any Court within Our said Colony, to make to you a written Report of the case of such offender, and such Report of the said Judge shall by you be taken into consideration at the first meeting thereafter which may be conveniently held of Our said Executive Council, where the said Judge may be specially summoned to attend; and you shall not pardon or relieve any such offender as aforesaid, unless it shall appear to you expedient so to do, upon receiving the advice of Our Executive Council therein; but in all such cases you are to decide, either to extend or to withhold a pardon or relieve, according to your own deliberate judgment, whether the members of Our said Executive Council concur therein or otherwise; ~~entering, nevertheless,~~

less, on the Minutes of the said Council, a Minute of your reasons at length, in case you should decide any such question in opposition to the judgment of the majority of the members thereof. Appendix, No. 2.

XIV. And We do further direct and enjoin that you do, to the utmost of your power, promote religion and education among the native inhabitants of Our said Colony; or of the lands and islands thereto adjoining, and that you do especially take care to protect them in their persons, and in the free enjoyment of their possessions; and that you do, by all lawful means, prevent and restrain all violence and injustice which may in any manner be practised or attempted against them. Promotion of religion amongst the natives.

XV. And We do further direct and enjoin that all Commissions granted by you to any person or persons to be Judges, Justices of Peace, or other officers, shall, unless otherwise provided by law, be granted during pleasure only. Judges, &c., to be appointed during pleasure.

XVI. And we do further direct and enjoin that you do forward to Us punctually from year to year, through one of Our Principal Secretaries of State, such annual returns as have been customarily transmitted to Us from the Colony of Victoria relative to the revenue and expenditure, militia, public works, legislation, civil establishments, pensions, population, schools, course of exchange, imports and exports, agricultural produce, manufactures, and other matters in the said "returns" more particularly specified, with reference to the state and condition of Our said Colony. Blue Book.

XVII. And whereas great prejudice may happen to Our service and to the security of Our said Colony by the absence of the Governor, you shall not upon any pretence whatever quit Our said Colony without having first obtained leave from Us for so doing under Our Sign Manual and Signet, or through one of Our Principal Secretaries of State, except for the purpose of visiting any neighbouring Colony for periods not exceeding one month at any one time, nor exceeding in the aggregate one month for every year's service in the Colony. Governor's absence.

V. R.

Appendix, No. 3.

PAPER handed in by Mr. *Bramston*, 25 March 1879.

EXTRACT from Governor MATHEWS'S COMMISSION.—Leeward Islands, 10 May 1733. Appendix, No. 3.

AND We do hereby give and grant unto you, and in your absence, to Our Lieutenant General or Lieutenant Governors respectively, full power and authority to constitute and appoint judges (and in cases requisite), Commissioners of Oyer and Terminer, Justices of the Peace, Sheriffs, and other necessary Officers and Ministers, in all and every our said Islands, for the better administration of justice, and putting the laws in execution. And to administer, or cause to be administered unto them, such oath or oaths as are usually given for the due execution and performance of offices and places, and for the clearing of truth in judicial causes.

Appendix, No. 4.

PAPERS handed in by Sir *Thomas Erskine May*, 24 March 1879.

(A.)

Appendix, No. 4.

Commons' Journals,
Vol. xvii., p. 91,

15 February 1711.

Durham Writ.

A MOTION being made, and the Question being put, That Sir Henry Belasis, Knight, having, since his being elected Member to serve in Parliament, accepted the Office of One of the Commissioners appointed by Her Majesty To inquire into the Number and Quality of the Forces in Her Majesty's pay in Spain and Portugal; and to examine the state of the payments and accounts relating to the said Forces, and to the Garrisons and Fortifications of *Gibraltar and Port Mahon*; and also the Accounts of the Agent, Victuallers, and Commissioners of Stores in those parts; his Election is thereby become void. Question, on Division, resolved in the Affirmative.

New Writ issued.

Commons' Journals,
Vol. xvii., p. 723,
9 July 1714.

Truro Writ.

New Writ for the Borough of Truro, in the County of Cornwall, in the room of Thomas Hare, Esquire, who, since his Election for the said Borough, hath accepted the Office of First Register and Clerk of the Crown in *Barbadoes*.

Re-elected under this Writ, *Beatson's Parliamentary Register*, I., p. 25.

Commons' Journals,
Vol. xviii., p. 624,
13 July 1717.

Westlow Writ.

New Writ for the Borough of Portpigham, *alias* Westlow, in the County of Cornwall, in the room of Thomas Maynard, Esquire, who, since his Election for the said Borough, hath accepted the Office of Commissary General of Stores for War, and Provisions, in the Island of *Minorca*.

Re-elected under this Writ, *Beatson's Parliamentary Register*, I., p. 30.

Commons' Journals,
Vol. xviii., p. 630,
25 November 1717.

Berealston Writ.

New Writ for the Borough of Berealston, in the County of Devon, in the room of Horatio Walpole, Esquire, who, since his Election for the said Borough, hath accepted the Office of Surveyor and Auditor General of all His Majesty's Revenues arising in *America*.

Afterwards chosen for Eastlow, re-elected, *Beatson's Parliamentary Register*, I., p. 59.

Commons' Journals,
Vol. xix., p. 47,
24 December 1718.

St. Germans Writ.

New Writ for the Borough of Saint Germans, in the County of Cornwall, in the room of John Knight, Esquire, who, since his Election for the said Borough, hath accepted the Office of Secretary for the *Leeward Islands*.

Re-elected under this Writ, *Beatson's Parliamentary Register*, I., p. 38.

Commons' Journals,
Vol. xx., p. 98,
23 January 1722.

Liverpool Writ.

New Writ for the Borough of Liverpool, in the County of Lancaster, in the room of Sir Thomas Johnson, Knight, who, since his Election for the said Borough, hath accepted the Office of Collector of the Customs in *Rapahamock River*, in Virginia.

Apparently not re-elected, *Beatson's Parliamentary Register*, I., p. 101.

Commons' Journals,
Vol. xx., p. 861,
10 May 1727.

Horsham Writ.

New Writ for the Borough of Horsham, in the County of Sussex, in the room of the Honourable Henry Ingram, Esquire, who, since his Election for the said Borough, hath accepted the Office of Commissary of the Stores and Provisions at *Gibraltar*.

Re-elected under this Writ, *Beatson's Parliamentary Register*, I., p. 198.

Commons' Journals,
Vol. xxi., p. 374,
13 May 1729.

Malton Writ.

New Writ for the Borough of Malton, in the County of York, in the room of the Honourable Henry Finch, Esquire, who, since his Election for the said Borough, hath accepted the Office of Receiver General and Collector of the Revenues in the Island of *Minorca*.

Re-elected under this Writ, *Beatson's Parliamentary Register*, I., p. 246.

New Writ for the Borough of Horsham, in the County of Sussex, in the room of the Honourable Henry Ingram, Esquire, who, since his Election for the said Borough, hath accepted the Office of Commissary of His Majesty's Stores and Provisions in the Island of *Minorca*.

Appendix, No. 4.

Commons' Journals,
Vol. xxii., p. 492,
15 May 1735.

Horsham Writ.

Re-elected under this Writ, *Beatson's Parliamentary Register*, I., p. 198.

New Writ for the Borough of Wendover, in the County of Bucks, in the room of John Hampden, Esquire, who, since his Election for the said Borough, hath accepted the Office of Commissary of His Majesty's Stores of War and Provisions for His Majesty's Forces at the Garrison of *Gibraltar*.

Commons' Journals,
Vol. xxii., p. 492,
15 May 1735.

Wendover Writ.

Re-elected under this Writ, *Beatson's Parliamentary Register*, I., p. 13.

New Writ for the Port of Hastings, in the County of Sussex, in the room of Andrew Stone, Esquire, who, since his Election for the said Port, hath accepted the Office of Secretary of the Island of *Barbadoes*.

Commons' Journals,
Vol. xxiv., p. 161,
1 April 1742.

Hastings Writ.

Re-elected under this Writ, *Beatson's Parliamentary Register*, I., p. 242.

New Writ for the Borough of Truro, in the County of Cornwall, in the room of the Honourable Charles Hamilton, Esquire, who, since his Election for the said Borough, hath accepted the Office of Receiver General and Collector of the Revenues in the Island of *Minorca*.

Commons' Journals,
Vol. xxiv., p. 497,
22 December 1743.

Truro Writ.

15 Geo. II., c. 22, disabling Members holding any office, civil or military, at *Minorca* or *Gibraltar*.

New Writ for the Borough of North Allerton, in the County of York, in the room of William Smelt, Esquire, who, since his Election for the said Borough, hath accepted the Office of Receiver of His Majesty's casual Revenue in the Island of *Barbadoes*.

Commons' Journals,
Vol. xxiv., p. 886,
30 April 1745.

North Allerton Writ.

Apparently not re-elected, *Beatson's Parliamentary Register*, I., p. 250.

New Writ for the Borough of Ludgershall, in the County of Wilts, in the room of George Augustus Selwyn, Esquire, who, since his Election for the said Borough, hath accepted the Offices or places of Chief Clerk, Register, and Sole Examiner in Chancery, in the Island of *Barbadoes*, in *America*, and of the Clerk of the Crown and Peace there.

Commons' Journals,
Vol. xxvi., p. 520,
11 January 1753.

Ludgershall Writ.

Re-elected under this Writ, *Beatson's Parliamentary Register*, I., p. 227.

New Writ for the City of Edinburgh, in the room of George Lind, Esquire, who, since his Election for the said City, hath accepted the Office of Conservator of the Privileges of the Scots Nation in the *Netherlands*, and Resident there for the Affairs of Scotland.

Commons' Journals,
Vol. xxix., p. 185,
19 February 1762.

Not re-elected, *Beatson's Parliamentary Register*, II., p. 395.

New Writ for the Borough of Wilton, in the County of Wilts, in the room of the Honourable Nicholas Herbert, who, since his Election for the said Borough, hath accepted the Office of Secretary of the Island of *Jamaica*.

Commons' Journals,
Vol. xxx., p. 4,
10 January 1765.

Wilton Writ.

Re-elected under this Writ, *Beatson's Parliamentary Register*, II., p. 282.

New Writ for the District of Burghs of Kinghorn, Dysart, Kirkcaldie, and Burntisland, in the room of James Townsend Oswald, Esquire, who, since his Election for the said District of Burghs, hath accepted the Office of Secretary for the *Leeward Islands*.

Commons' Journals,
Vol. xxxiii., p. 493,
29 January 1772.

Kinghorn, &c. Writ.

Re-elected under this Writ, *Beatson's Parliamentary Register*, II., p. 404.

New Writ for the Borough of Bramber, in the County of Sussex, in the room of Daniel Pulteney, Esquire, who, since his Election for the said Borough, hath accepted the Office of Collector of the Customs in the Port of Roseau, in the Island of *Dominica*.

Commons' Journals,
Vol. xlv., p. 6,
8 December 1788.

Bramber Writ.

Apparently not re-elected, *Beatson's Parliamentary Register*, II., p. 266.

New Writ for the Borough of Bridport, in the County of Dorset, in the room of James Watson, Esquire, who, since his Election for the said Borough, hath accepted the Office of one of His Majesty's Judges of the Supreme Court of Judicature at Fort William in *Bengal*.

Commons' Journals,
Vol. I., p. 306,
6 March 1795.

Bridport Writ.

Appendix, No. 4.

Commons' Journals,
Vol. III., p. 754,
20 July 1797.
Pittenween, &c. Writ.

New Writ for the District of Burghs of Pittenween, Anstruther Wester, Anstruther Easter, Kilrenny, and Crail, in the room of John Anstruther, Esquire, who, since his Election for the said District of Burghs, hath accepted the Office of *Chief Justice of the Supreme Court of Judicature at Calcutta*.

Commons' Journals,
Vol. lviii., p. 257,
14 March 1806.
Ayrshire Writ.

New Writ for the Shire of Ayr in the room of William Fullarton, Esquire, he being one of the Commissioners for the Government of the Island of *Trinidad*.

Commons' Journals,
Vol. lxi., p. 335,
23 May 1806.
Catherlogh Writ.

New Writ for the Borough of Catherlogh, in the room of Sir Charles Montagu Ormsby, who, since his Election for the said Borough, hath accepted the Office of *Recorder of Prince of Wales' Island*.

(B.)

REPORT from the SELECT COMMITTEE respecting MEMBERS accepting
OFFICES ABROAD.

[Ordered, by The House of Commons, to be Printed, 2 June 1829.]

R E P O R T.

THE SELECT COMMITTEE appointed to examine the Matter of the Petitions of several Persons, being respectively Electors and Freemen of the ancient City and County of *Canterbury*, and of several Electors of the ancient City of *Canterbury* and County of the same City, resident in London and its vicinity (being a Committee chosen by the general Body, to watch over their interests), which were presented to The House upon the 19th day of March and the 16th day of April last, relating to the Seat of *Stephen Rumbold Lushington*, Esquire, and to search for Precedents in respect of Members of This House accepting Offices abroad, vacating their Seats, and to report the same, with their Observations thereupon, to The House;—Have examined into the Matters referred to them, and have agreed to the following REPORT:

THE Freemen of the city of *Canterbury*, whose petitions are referred to your Committee, complain of their being imperfectly represented in Parliament, in consequence of Mr. Lushington, one of their Members, having left the country for India, where he has accepted and is now executing the duties of a Governor of *Madras*. In inquiring into the practice of the House in earlier times, it appears that more attention was then paid to enforcing the execution by Members of their paramount personal duty in Parliament; and it will be found in the subjoined extract from the Journals, that in a case in many respects corresponding with that of Mr. Lushington, the House ordered a new writ to issue in the place of Sir George Somers, appointed Governor of *Virginia*; and that they were induced so to do by reason of his being thereby rendered incapable of attending his duty in Parliament. The House at the same time, and upon the Report of the same Committee of Privileges, appears to have vacated the seat of another Member, in consequence of sickness and bodily infirmities. And though in modern times less strict attention has perhaps been paid to the enforcing the personal attendance of Members, the House cannot be considered to have relinquished in any degree its ancient and undoubted privileges.

In the case of Mr. Lushington, however, the attention of your Committee has, in the first place, been directed to the consideration, in how far it may have been more distinctly provided for by statute. They find that by the Act passed in the 6th of Queen Anne, chapter 7, no person having any office or place of profit under the Crown, created since the year 1705, was to be capable of being elected, or of sitting or voting as a Member of the House of Commons, in any Parliament to be summoned after the passing of that Act, and the same incapacity was extended to various offices specially described; among which is mentioned, “any Governor or Deputy Governor of any of the Plantations.” The Act also provides, that if any Member of the House should accept of any office of profit from the Crown, his election should be void, but he was capable of being re-elected. It further provided, that if any person disabled by it, should be returned a Member, his election of return were void; and that if any person so disabled should presume to sit and vote, he should forfeit the sum of Five hundred pounds.

It

It appears to your Committee to be a subject of much doubt, whether these enactments apply to the case of any Governor of the Settlements of the *East India* Company. That they have not hitherto been considered to be so applicable, appears evident from the fact, that no persons accepting these offices have been found on that account to have vacated their seats; and that several persons having accepted such offices, had continued to be Members of Parliament, or had vacated their seats by the acceptance of the Chiltern Hundreds, as will be seen in the annexed Statement. Appendix, No. 4.

On the other hand, these offices, although originally appointed solely by the *East India* Company, have by subsequent Acts of Parliament been gradually drawn more and more within what may fairly be considered the spirit of these provisions of the Act of Anne, which seem more particularly directed to restrain in this respect the influence of the Crown. By the Charter Acts in 1793 and 1813, the positive right of the Crown to recall these Governors at pleasure, and the concurrent power of the Crown in their nomination, is established. The gradual increase of this power and influence may perhaps account for its not having attracted the attention of The House.

Your Committee venture to recommend, as the result of a full and attentive consideration of the whole of this case, that a Bill should be introduced, to provide that the Governors of the Presidencies or Settlements of the *East India* Company shall henceforth be considered as Governors within the intent and meaning of the Act of Anne; and that any persons hereafter appointed to hold the same, shall be declared incapable of being elected, or of sitting in Parliament.

A P P E N D I X.

STATEMENT.

	PLACE chosen for.	To what Office appointed.	DATE of Appointment.	
Lord Clive - -	Shrewsbury	Governor General	12 Mar. 1764	No writ. Parliament dissolved 12 March 1768.
Lord Pigot - -	Bridgnorth	Governor of Madras.	1 Mar. 1775	No new writ till his death, in 4 February 1778.
Lord Macartney -	Beeralston -	- ditto - -	14 Dec. 1780	New writ. Steward of East Hendred, 6 February 1781.
Lord Hobart - -	Lincoln -	- ditto - -	23 Oct. 1793	No new writ. Parliament dissolved 20 May 1796.
Lord W. C. Bentinck	Nottinghamshire.	- ditto - -	17 Nov. 1802	New writ. Steward of Chiltern Hundreds.
Sir E. Nepean -	Bridport -	Governor of Bombay.	7 Jan. 1812	No new writ. Parliament dissolved 29 September 1812.
Right Hon. G. Canning.	Liverpool -	Governor General	27 Mar. 1822	No new writ. Declined appointment.

Appendix, No. 4.

EXTRACTS from the Journals.

Die Saturni, 9^o Novembris, 1605.

3 Jac. 1, 1605.

THE Names of the Committee for Returns and Privileges read; and they retire into the Committee Chamber; and, returning to the House, make Report by Sir Geo. Moore.

Cases Four:

1. *Lyme Regis*:—The Burgess *Hassard* not able to serve by Reason of the Gout.—He came unto them, walked in Fear only.—*Resolved*, That he should serve still.

Weak, and not able to serve, by Reason of Age, and not likely to recover:—*Swaddon*, for *Calne* in *Wiltshire*:—To be removed.

Serjeant *Snigg*, } Attendants as Judges in the Higher House:—
Lord Chief Baron, }

Not to serve here.—If a Serjeant, to serve here.

Sir *Henry Carye*, Captive:—To stand still as a Burgess.

Q. Whether *Hassard* shall stand, and serve?—*Resolved*, He shall not be removed.

Q. Whether *Swaddon*, for *Calne*, shall be removed?—*Resolved*, He shall, and a new Writ to issue.

Q. Touching Lord Chief Baron, Burgess for *South*, and Baron *Snigg* for *Bristowe*, being Attendants as Judges in the Higher House, whether they shall be recalled?—*Resolved*, They shall not.

Q. Touching Sir *Henry Carye*, Captive, not to be removed:—*Resolved*.

Moved, That divers in *Cornwall* have resigned their Places, and new elected.

Touching Sir *James Lee*:—The Committees to consider of it.

Die Saturni, 22^o Novembris, 1606.

4 Jac. 1, 1606.

Sir Geo. Moore reporteth the Proceeding of the Committee, touching the Supply of Places of Knights and Burgesses in the House.

They considered, according to the Instructions given them; namely, of Sir *Thos. Ridgeway*, Treasurer, Sir *Humfrey Winch*, Lord Chief Baron, and Sir *Oliver St. John*, Master of the Ordnance in *Ireland*; whose Cases, they conceived, differed from the Case of Ambassadors; for that (as they thought) their Patents were for Life, and therefore new to be chosen in their Places. The late Precedent of Sir *James Lee*, advanced to the Place of Lord Chief Justice in *Ireland*, remembered; in whose Place Mr. *Alexander Chock* was chosen for the Town of *Westbury* in *Wilts*.

Touching Sir *Henry Hobart*, advanced by his Majesty to the Place of Attorney-general, it was remembered, that in 8^o *Eliz.* Mr. *Onslowe*, Solicitor, being called by Writ into the Higher House, was afterwards chosen Speaker by this House; Mr. *Jeffereys* also, the Queen's Serjeant, was demanded by this House to do Service here. Many Precedents of the King's Serjeant and Solicitor, none for the Attorney; *sed eadem ratio*.

Several Questions were made of every particular Case; and it was resolved, That Warrants should be granted by Mr. Speaker for the Choice of New Members in the Place of Sir *Thomas Ridgeway*, Sir *Humfrey Winch*, and Sir *Oliver St. John*, according to the Opinion of the Committee, and according to former Precedent in the Case of Sir *James Lee*.

Question was made, touching Sir *Charles Cornwallis* in *Spaine*, Sir *Geo. Carewe* in *France*, and Sir *Tho. Edmonds* with the Arch-duke, Legier Ambassadors; and, upon Question, adjudged they should still stand in their several Places.

Touching Mr. Attorney, it was much disputed, what should be the Question; at last the Question agreed, and so made:

Q. Whether he should be recalled, admitting, that he was already called by Writ of Attendance into the Higher House, as the House conceived he was.

Upon this question the House was not satisfied, but would have it made, Whether a new Choice.

The House upon this grew to Division, and by Division to Confusion; for they were not numbered; nor One Part well understanding another, they settled again, and made a new Question; *viz.*

Q. Whether a Question should be made of it: And by Voice over-ruled, that no Question should be made of it, but the Matter should rest; and so was understood, and left at that Time.

Order, That Warrants should issue for new Writs, to elect for Places void; as in Place of Sir *Tho. Ridgeway*, for the County of *Devon*, in this Form:

WHEREAS Sir *Tho. Ridgeway*, Knight, now Treasurer at Wars, in his Majesty's Realm of *Ireland*, was, at the first Session of this Parliament, elected, and returned unto the Commons House of Parliament, One of the Knights of the Shire for the County of *Devon*; and being sithence, by his Majesty's Favour, advanced to the Place of Treasurer; it was this Day moved in the said House, whether his Place of Knight of the Shire

Shire were void; which, upon the Question, was over-ruled; and ordered, that a new Writ should issue for the Choice of another Knight, in the Room and Place of the said Sir *Thomas*: For which this shall be your Warrant. Appendix, No. 4.

Directed:

"To my loving Friend Sir *Geo. Coppin* Knight, Clerk of the Crown in his Majesty's High Court of Chancery."

And so for the rest in the like Form.

Die Mercurii, 14^o Februarii, 1609.

Sir *Geo. Moore* maketh Report of the Committee for Privileges.—

Privileges and Liberties must live when we are dead.—

Thirty dead and removed:—Twenty-four dead.—

Lord *Walden*, Lord *Clinton*, removed to the Upper House.—

Mr. *Bowyer*, by Patent,—Oath,—necessary Attendance.—Not to understand our Secrets.—

Mr. *Bromley*, a Baron of the Exchequer.—

Toby Mattheve, by Act of Council banished upon Direction from his Majesty.—Not to return till his Majesty's Pleasure be known.—Opinion of the Committees, that a Warrant from hence.—The Judgment of the House, whether to be removed,—

Sir *Geo. Sommers*.—Opinion, not to be removed.—Case of Ambassadors:—Disgrace:—Injustice.—If he return, and challenge Privilege, upon Arrest, to be granted; therefore—

Hassard,—69.—incurable,—bedrid.—A new Writ.

Sir *Geo. Moore*:—That Sir *Geo. Sommers* not to be removed.—No Disgrace, but a Grace, to be a Governor in *Virginia*.—No Injustice:—But Injustice to the Town, and to this House:—Not to chuse.—

Sir *Rob. Wrothe's* Man (*Shelley*) to have Privilege.—

Not to spend Time, but to enter into the Business, for which his Majesty hath called; the Country hath sent us.—

A Writ within the Sixteen Days for Baron *Bromley*—from the Lord Chancellor good Sixteen Days:—Only good for Arrest.

A new Writ for *Toby Mattheve*.

A new Writ for *Hassard*.

Sir *Geo. Sommers* like to Sir *Ja. Lee* in *Ireland*.

Sir *Tho. Holcroft*,—for his Remove.

Sir *Edwyn Sandys*:—Answer the Objections.—Disgrace.—Comparison with Ambassadors.—Some Prejudice to the House.—To remove, without Precedent.—

Three Causes of Remove:—1. Disgrace. 2. Grace. 3. Sickness incurable.—

Case of Ambassadors.—Three Differences:—That, foreign; this, home:—No Magistracy; this Magistracy:—This, with a Purpose of Continuance; that, not to continue long:—Presumed for his Life.—

A new Precedent; Done upon Deliberation.

Sir *Nath. Bacon*:—Not to be removed.

Mr. *Fuller*:—The End of Parliaments, to have Men present that do represent.

Q. Whether a Warrant for Sir *Geo. Sommers*:—A new to be elected.

Appendix, No. 5.

MEMORANDUM handed in by Mr. ATTORNEY GENERAL for IRELAND.

Appendix, No. 5.

THE Act of Union (39 & 40 Geo. 3, c. 67) having created a new Parliament for the United Kingdom, it became necessary to regulate by statute its constitution, and to define (*inter alia*) what offices were a disqualification for membership. The Parliament of the United Kingdom dates from 1800; the former statutes defining the position of Members of the separate Parliaments had ceased to be applicable to the altered circumstances, and new provisions had to be made in this particular; accordingly, by 41 Geo. 3, c. 52 (U.K.), "An Act for the declaring what Persons shall be Disabled from Sitting and Voting in the House of Commons of the United Kingdom of Great Britain and Ireland, &c.," all persons were disabled from sitting in the United Parliament,—

Sect. 1. i. For any place in Great Britain, who would have been disabled from sitting in the Parliament of Great Britain:

Sect. 2. ii. For any place in Ireland, who would have been disabled from sitting in the Irish Parliament:

Sect. 3. A proviso was added that nothing therein contained should be construed to enable persons theretofore disabled from sitting and voting in the House of Commons of Great Britain, to sit or vote in the House of Commons of the United Kingdom as Members for any place in Ireland, and *vice versa*.

This describes the disqualification by reference to the previously existing law for the separate Parliaments, to which it is accordingly necessary to refer.

The rule for the Parliament of Great Britain was laid down by 6 Anne, c. 7:

Sect 25. "That no person who shall have any *new* office or place of profit whatsoever under the Crown, nor any person who shall be a Commissioner, &c. [specifying certain existing offices], nor any person having any pension from the Crown during pleasure, shall be capable of being elected, or of sitting or voting as a Member of the House of Commons in any Parliament which shall be hereafter summoned and holden."

Sect. 26. And also:—

"If any person being chosen a Member of the House of Commons shall accept of any office of profit from the Crown during such time as he shall continue a Member, his election shall be void, and a new writ shall issue for a new election, as if such person was dead. Provided, nevertheless, that such person shall be capable of being again elected."

It will thus be seen that the holding of a *new* office, *i.e.*, one created since 25th October 1705, is an absolute disqualification for Parliament; and that the acceptance of an *old* office vacates the seat, although not a bar to re-election.

The wording of these two sections differs materially in another particular; the former applies to places of profit *under* the Crown, the latter is limited to acceptance, &c., *from* the Crown. The consequence of this is, that where the office is a new one, the Committee have not deemed it necessary to inquire whether it was held under the Crown, or accepted from the Crown; but where the office is an old one the inquiry becomes material. See the case of Mr. Walpole, who did not vacate his seat on appointment as "Clerk of the Pells" (an old office), because he was appointed to it by the Treasurer of the Exchequer [Rogers, p. 238; Hatsell, Vol. II., p. 5]. In the case of Mr. Harvey, appointed Registrar of Hackney Coaches, the Select Committee reported that the office was a new one, and that by his acceptance of it Mr. Harvey had vacated his seat. The appointment in this case was vested, not in the Crown, but in the Home Secretary, 1 & 2 Vict. c. 79, s. 4; 94 Com. Jour. 48.

In the Frome case, 18 Com. Jour. 655, the Secretary of the Order of St. Patrick was declared incapable of being elected as holding a new place of profit under the Crown.

In the Cambridge case (1866), Mr. Forsyth's return was avoided, he being Standing Counsel to the Secretary of State for India since the Government of India Act. Under that Act, Section 15, a scheme of the permanent Home establishment had to be submitted to the Queen in Council; Mr. Forsyth's name was included in the scheme submitted and approved by Her Majesty, with a fixed salary, in addition to fees, placed opposite to it. Although there was an almost identical office of Standing Counsel to the East India Company, this was held to be a new place of profit under the Crown, and Mr. Forsyth's election consequently void. An Act to indemnify Mr. Forsyth (29 & 30 Vict. c. 20) was subsequently passed.

A number of offices are expressly made disqualifications by various statutes; for list, see Rogers, p. 248; but they do not seem to affect the question of the Clare election.

In

In fact, there is no exact precedent for it. Huskisson's case (Roe's Law of Elections, I., Appendix, No. 5. 195) approaches most nearly to it (*see* Appendix to this Paper).

In Chambers on Elections (p. 421), under the heading of "Offices held to vacate Seats," there is a long list comprising offices purporting to be of Barbadoes, Virginia, Dominica, Gibraltar, Tobago, Jamaica, Leeward Islands, &c., but nothing is stated as to their nature, tenure, or mode of appointment.

The law which existed before the Union in Ireland, with reference to the Irish Parliament, was closely analogous to that of England.

33 Geo. 3, c. 41 (I.). "An Act for securing the Freedom and Independence of the House of Commons by excluding therefrom Persons holding any Offices under the Crown to be hereafter created, or holding certain Offices herein enumerated, or Pensions for Term of Years, or during his Majesty's Pleasure," enacts that—

"No person who shall have any office or place of profit under the Crown at any time after the passing of this Act, created or erected . . . shall be capable of being elected a Member of the House of Commons in this present Parliament, or of being elected, or of sitting and voting as a Member of the House of Commons in any Parliament which shall be hereafter summoned and holden."

Sect. 3.

And Section 4 of this Act is identical with Section 26 of the English Act.

The Irish Parliamentary Constitution was thus almost identical with that of England, one important fact, *i. e.*, the existence of the Lord Lieutenant having been overlooked. This oversight was remedied by 38 Geo. 3, c. 36 (I.), which enacted that persons accepting offices from the Lord Lieutenant should vacate their seats, but be eligible for re-election. It is clear that this can only apply to old offices, for it is in terms an amendment of Section 4 of the previous Act, and further illustrates the distinction between offices held under the Crown, and accepted from it. This Act only dealt with the latter class of offices.

The 5th Section of 41 Geo. 3 (U.K.), c. 52, deals with the other class of offices (those held under the Crown), and provides that after the dissolution of the existing Parliament no person holding any office or place of profit from or by the nomination or appointment or by any appointment subject to the approbation of the Lord Lieutenant, created after 33 Geo. 3, shall be capable of being elected or of sitting or voting in any future Parliament. This seems to prove that an office from the Lord Lieutenant was considered as not necessarily an office under the Crown.

Section 9 of the same Act provides "that if any person being chosen a Member of the House of Commons shall, from and after the passing of this Act, accept of any office of profit whatever, immediately and directly from the Crown of the said United Kingdom, or by the nomination or appointment, or by any other appointment subject to the approbation of the Lord Lieutenant . . . his seat shall thereupon become vacant, and a writ shall issue for a new election: provided nevertheless, that such person (if he be not incapacitated by anything hereinbefore contained) shall be capable of being again elected to be a Member of the House of Commons for the place for which he had been a Member, or for any other place sending Members to the House of Commons."

The Act called the Victoria Constitution Act, which is of great importance in the consideration of this question, is printed at length in the Imperial Statutes as a Schedule to 18 & 19 Vict. c. 55, and by that Act a civil list is payable to Her Majesty in lieu of Crown Revenues, and appropriated by Schedule D. to certain purposes, among which the salary of the Attorney General is included. No change can be made in this appropriation without the assent of an absolute majority of the whole number of members of the Legislative Council and of the Legislative Assembly of Victoria, and every such measure has to be reserved for the signification of Her Majesty's pleasure. The Constitution Act also prescribes the following as the form of the Oath of Allegiance to be taken by the Governor and all persons holding any office of trust or profit under him:—

"I do sincerely promise and swear, that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, as lawful Sovereign of the United Kingdom of Great Britain and Ireland, and of this Colony of Victoria."

The Act of the Colony of Victoria, 23 Vict., No. 91, is entitled "An Act to limit the Number of Persons holding Office *under the Crown* who may sit and vote in the Legislative Council and Assembly of Victoria." The 3rd Section of this Act specifies the Attorney General as one of the persons affected thereby; and Section 5 provides, following the English precedent, that if any Member shall accept any office or place of profit under the Crown his seat shall be vacant.

The question whether Sir B. O'Loughlen has vacated his seat seems to depend entirely on this further question: Is the Attorney Generalship of Victoria (1) a place of profit (2) under the Crown?

The office is undoubtedly a new one within the meaning of the Statute of the Irish Parliament, 33 Geo. 3, and therefore it is, if a place of profit, and if held under the Crown, a continuing disqualification for a seat in Parliament. It is unnecessary to consider whether acceptance of an office after the return has been made, but before the person elected takes the oaths and his seat, avoids the election; for, in this case, if the office is one held "under the Crown," it absolutely disqualifies the holder from being a Member of the House of Commons.

Appendix, No. 5.

The question whether the Attorney Generalship of Victoria is a place of profit under the Crown must depend, in great measure, on the terms and manner of his appointment. If it is not held under the Crown the election stands good; if it is, this further question arises, Is the office a place of profit? The Act 41 Geo. 3, c. 52, sect. 5, places a difficulty in the way of holding it to be an office under the Crown, for, as we have seen, that section expressly disqualifies persons accepting new offices from the Lord Lieutenant, implying, that except for its provisions, such persons would not be disqualified under the general law as holding office under the Crown; that, in fact, the office must be held directly under the Crown and not under a delegated authority.

It is possible, however, that this section may have been inserted by way of additional precaution, and not because there was any reasonable doubt as to the interpretation to be put on the words, "place of profit under the Crown;" or, possibly, the full meaning of the difference between "under the Crown" and "from the Crown" was not appreciated, and the draftsman may have thought that as it was necessary to specify the Lord Lieutenant in the one case, it was equally so in the other. The subject is one on which Parliament always seems to have preferred express and specific exclusion to reliance on the general law; and in recent times, whenever offices have been created, there has generally been inserted an express disqualification clause. For example, the Commissioners of Public Works in Ireland were, by 1 & 2 Will. 4, c. 33, sect. 5, to be appointed under the Sign Manual, yet it was thought necessary by Section 11 to render them incapable of being elected Members of the House of Commons. Other instances of needless caution are to be found in the cases of "The Collector General of Rates" (12 & 13 Vict. c. 91); "The Commissioners of Woods and Forests" (14 & 15 Vict. c. 42); "The Commissioners for Sale of Incumbered Estates in the West Indies" (17 & 18 Vict. c. 117); "The Commissioners of Irish Church Temporalities" (32 & 33 Vict. c. 42).

It is obviously important to decide whether the 5th Section should be regarded as a declaration of existing law, or as a necessary amendment of the law then introduced for the first time.

APPENDIX.

CASE of Mr. HUSKISSON, Member for *Liskeard*, petitioned against on the ground of his holding the OFFICE of AGENT for the Island of *Ceylon*.

COMMITTEE appointed 17th February 1807, consisting of—

JOHN KYNASTON POWELL, Esq. (Chairman).

Sir Charles Morice Pole, Bart.
Sir Charles Morgan, Bart.
Edward Berkeley Portman, Esq.
John Maitland, Esq.
Michael Symes, Esq.
Joseph Cripps, Esq.
John Hodgson, Esq.

Edward Leveson Gower, Esq.
John T. P. B. Trevanion, Esq.
Richard Long, Esq.
Charles Edmonstone, Esq.
Robert Haldane Bradshaw, Esq.
Thomas Creevey, Esq. } Nominees.
The Rt. Hon. Charles Long

Petitioners.—Nicholas Tomlinson and Alexander Nowell, Esquires.

Sitting Members.—The Honourable William Elliot and William Huskisson, Esq.

The Petition of Mr. Tomlinson and Mr. Nowell (which had been presented 31st December 1806), after stating that they, as well as Mr. Elliot and Mr. Huskisson, were candidates, and that they, the said Mr. Tomlinson and Mr. Nowell, ought to have been returned, as having the legal majority, alleged (amongst other things) that Mr. Huskisson was, at the time of such election, such a pensioner or placeman under the Crown and Government as is disqualified to sit as a Member in the House.

The only allegation which it was seriously attempted to substantiate was that which aimed at the disqualification of Mr. Huskisson by reason of his holding a new office within the meaning of the Statute, 6 Anne, c. 7, s. 25, with respect to which the case made on the part of the petitioners rested on the following grounds:—

The office in question was that of agent for the island of Ceylon, with a salary of 800 *l.* per annum.

There was no doubt of the office being a new one, created since the 25th October 1705. It was also contended to be an office of profit from the Crown, and that upon the facts proved before the Committee it was sufficiently shown that Mr. Huskisson was in possession of the office.

With respect to the office, it appeared that the appointment is made by the Governor of Ceylon, or the Governor and Council there (it was not spoken to with certainty which); and that the nomination takes place, upon a letter from the Secretary of State for the War and Colonial Department, recommending the person to be named. It further appeared that there had been instances in some of the colonies, but not in Ceylon, wherein such recommendations had not been attended to by the Governors, and other persons had been appointed instead of the persons so recommended. Appendix, No. 5.

The agent is paid out of the revenues of the colony. It was not distinctly stated from what source, in the event of a deficiency of the revenue of the island, his pay would be made up, whether by the Crown or by the East India Company. With respect to Mr. Huskisson's appointment, it was in evidence that a letter, bearing date 2nd February 1806, had been transmitted by Mr. Windham, as Secretary of State, to General Maitland, the Governor of Ceylon, requesting him to cause the name of Mr. Huskisson to be placed on the list of the Civil Establishment of the island, as colonial agent.

To this letter no answer had been received at the time of the trial of the petition; so that whether the above letter from the Secretary of State had or had not been followed by the appointment of Mr. Huskisson to the office, could not be sufficiently shown, though there was every reason to suppose it would have been attended to; and that Mr. Huskisson had, in fact, acted upon such supposition, having done some official acts.

Under the above circumstances, the Committee, on the 19th February, resolved, that Mr. Huskisson was duly elected. They also resolved, that the petition against him was not frivolous or vexatious. With respect to Mr. Elliot, against whom no evidence was offered, they resolved that he was duly elected; and that the petition against his election was frivolous and vexatious.—[62 Jour. 27, 130, 140.]

R E P O R T
FROM THE
SELECT COMMITTEE
ON
CLARE COUNTY WRIT;
TOGETHER WITH THE
PROCEEDINGS OF THE COMMITTEE,
MINUTES OF EVIDENCE,
AND APPENDIX.

*Ordered, by The House of Commons, to be Printed,
3 April 1879.*

130.

• *Under 4 oz.*

F I R S T
R E P O R T
FROM THE
SELECT COMMITTEE
ON
C O M M O N S ;
WITH THE
PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, to be Printed,
30 April 1879.

Ordered,—[*Friday, 14th February 1879*]:—THAT a Select Committee be appointed, Six Members to be nominated by the House, and Five by the Committee of Selection, to consider every Report made by the Inclosure Commissioners certifying the expediency of any Provisional Order for the inclosure or regulation of a Common, and presented to the House during the present Session, before a Bill be brought in for the confirmation of such Order.

THAT it be an instruction to the Committee, that they have power with respect to each such Provisional Order, to inquire and report to the House whether the same should be confirmed by Parliament, and, if so, whether with or without modification; and, in the event of their being of an opinion that the same should not be confirmed, except subject to modifications, to report such modifications accordingly with a view to such Provisional Order being remitted to the Inclosure Commissioners.

Committee nominated—[*Wednesday, 12th March 1879*]:—of:—

Mr. Spencer Walpole.	Mr. Pell.
Mr. Leveson Gower.	Lord Edmond Fitzmaurice.
Sir Walter Barttelot.	Mr. Shaw Lefevre (added 3rd April).
Mr. Fawcett (discharged 3rd April).	

Added by the Committee of Selection—[*Friday, 14th March 1879*]:—

Mr. H. Cowper.	Lord Henry Scott.
Mr. C. B. Denison.	Mr. Arthur Walsh.
Sir William Vernon Harcourt.	

Ordered,—[*Wednesday, 12th March 1879*]:—THAT the Committee have power to send for Persons, Papers, and Records.

THAT Five be the Quorum of the Committee.

Ordered,—[*Thursday, 3rd April 1879*]:—THAT Mr. Fawcett be discharged from further attendance on the Committee.

THAT Mr. Shaw Lefevre be added to the Committee.

Ordered,—[*22nd April 1879*]:—THAT the Petition from Kirton in Lindsey and other places, in favour of the Inclosure of Scotton and Ferry Common, be referred to the Committee.

REPORT	- - - - -	p. iii
PROCEEDINGS OF THE COMMITTEE	- - - - -	p. iv

F I R S T R E P O R T.

THE SELECT COMMITTEE who were appointed to consider every REPORT made by the INCLOSURE COMMISSIONERS certifying the expediency of any PROVISIONAL ORDER for the INCLOSURE or REGULATION of a COMMON, and Presented to the House during the present Session, before a BILL be brought in for the confirmation of such ORDER:—And who were instructed, That they have Power, with respect to each such Provisional Order, to Inquire and Report to the House whether the same should be confirmed by Parliament, and, if so, whether with or without Modification; and in the event of their being of opinion that the same should not be Confirmed, except subject to Modifications, to Report such Modifications accordingly, with a view to such Provisional Order being remitted to the Inclosure Commissioners;——HAVE considered the REPORT of the INCLOSURE COMMISSIONERS certifying the expediency of PROVISIONAL ORDERS with respect to—

SCOTTON, and
EAST STAINMORE COMMONS,

and are of opinion;—

I. That the PROVISIONAL ORDER for the Inclosure of SCOTTON COMMON ought not to be confirmed by PARLIAMENT, except subject to the following modications :

- (1.) That the labouring people of Scotton should be secured 20 acres for garden allotments in addition to the 19 acres proposed by the Order as it stands.
- (2.) That the 500 acres known as the Warren be omitted from the Inclosure.

II. That the PROVISIONAL ORDER for the Inclosure and Regulation of EAST STAINMORE COMMON ought to be confirmed by Parliament without modification.

30 April 1879

PROCEEDINGS OF THE COMMITTEE.

Friday, 21st March 1879.

MEMBERS PRESENT :

Mr. Spencer Walpole.
Lord Edmond Fitzmaurice.
Mr. Fawcett.

Mr. Leveson Gower.
Mr. Arthur Walsh.

Mr. SPENCER WALPOLE was called to the Chair.
The Committee deliberated.

[Adjourned till Tuesday, 22nd April, at Twelve o'clock.]

Tuesday, 22nd April 1879.

MEMBERS PRESENT :

Mr. SPENCER WALPOLE in the Chair.

Sir Walter Barttelot.
Mr. Arthur Walsh.
Mr. H. Cowper.
Mr. C. B. Denison.

Lord Edmond Fitzmaurice.
Mr. Leveson Gower.
Mr. Shaw Lefevre.
Mr. Pell.

SCOTTON COMMON.

Report of the Inclosure Commissioners, certifying the expediency of a Provisional Order for the inclosure of Scotton Common, read.

Objections to the proposed Provisional Order were read from—

1. Gravener Roadley.
2. Thomas Butler and Gravener Roadley.
3. Charles Wigglesworth.

In support of the proposed Provisional Order :

Mr. *James Caird*, C.B., Mr. *George Leach*, Mr. *Makin Durham*, Mr. *Rowland Winn* (a Member of the House), Mr. *Thomas Ross*, and Mr. *Thomas Hugh Oldham*, were examined.

[Adjourned till To-morrow, at Twelve o'clock.]

Wednesday, 23rd April 1879.

MEMBERS PRESENT :

Mr. SPENCER WALPOLE in the Chair.

Lord Edmond Fitzmaurice.
Sir Walter Barttelot.
Mr. Shaw Lefevre.
Mr. Pell.

Sir William Vernon Harcourt.
Mr. Leveson Gower.
Mr. Arthur Walsh.

SCOTTON COMMON.

In support of the proposed Provisional Order :

Mr. *Thomas H. Oldham* and Mr. *George Leach* were further examined.

In support of the several objections to the proposed Provisional Order :

Mr. *Edward Pooley* was examined.

A further objection was read from—

Mrs. *Meynell Ingram*.

In support thereof :

Mr. *George Tunncliffe* was examined.

In support of the proposed Provisional Order, in reply to Mrs. *Meynell Ingram*'s objection :

Mr. *Alfred Atkinson* was examined.

Further consideration adjourned.

EAST STAINMORE COMMON.

Report of the Inclosure Commissioners, certifying the expediency of a scheme for the regulation of part, and the inclosure of the remainder, of East Stainmore Common, read.

In support of the proposed Provisional Order :

Mr. *James Caird*, C.B., Mr. *Arthur Dixon*, Mr. *Crayston Webster*, the Rev. *James Sampson*, LL.D., and Mr. *Anthony Metcalf*, were examined.

[Adjourned till Tuesday next, at Twelve o'clock.]

Tuesday, 29th April 1879.

MEMBERS PRESENT:

Mr. SPENCER WALPOLE in the Chair.

Sir Walter Barttelot.
Mr. Arthur Walsh.
Mr. Shaw Lefevre.
Mr. Pell.
Mr. C. B. Denison.

Lord Edmond Fitzmaurice.
Mr. H. Cowper.
Lord Henry Scott.
Mr. Leveson Gower.
Sir William Vernon Harcourt.

SCOTTON COMMON.

Motion made, and Question put, That the Provisional Order ought to be confirmed by Parliament without modification—(Mr. *Pell*).—The Committee divided :

Ayes, 3.

Sir Walter Barttelot.
Mr. Pell.
Mr. C. B. Denison.

Noes, 7.

Mr. Leveson Gower.
Lord Edmond Fitzmaurice.
Mr. H. Cowper.
Sir William Vernon Harcourt.
Lord Henry Scott.
Mr. Arthur Walsh.
Mr. Shaw Lefevre.

Motion made, and Question proposed, That the Provisional Order ought not to be confirmed, except subject to the following modifications :—(1.) That the labouring people of Scotton should be secured 20 acres for garden allotments in addition to the 19 acres proposed by the Order as it stands.—(2.) That the 500 acres, known as the Warren, be omitted from the Inclosure—(Mr. *Shaw Lefevre*).

Amendment proposed, to leave out the words “(2.) That the 500 acres, known as the Warren, be omitted from the Inclosure”—(Sir *Walter Barttelot*).

Question put, “That the words proposed to be left out stand part of the Question.”

The Committee divided :

Ayes, 6.

Lord Edmond Fitzmaurice.
Mr. H. Cowper.
Sir William Vernon Harcourt.
Lord Henry Scott.
Mr. C. B. Denison.
Mr. Shaw Lefevre.

Noes, 4.

Mr. Leveson Gower.
Sir Walter Barttelot.
Mr. Pell.
Mr. Arthur Walsh.

Main Question put.—The Committee divided :

Ayes, 4.
 Lord Edmond Fitzmaurice.
 Mr. H. Cowper.
 Lord Henry Scott.
 Mr. Shaw Lefevre.

Noes, 4.
 Mr. Leveson Gower.
 Sir Walter Barttelot.
 Mr. C. B. Denison.
 Mr. Arthur Walsh.

Whereupon the Chairman declared himself with the *Ayes*.

Resolved, That the Provisional Order ought not to be confirmed by Parliament, except subject to the following modifications:

- (1.) That the labouring people of Scotton should be secured 20 acres for garden allotments in addition to the 19 proposed by the Order as it stands.
- (2.) That the 500 acres, known as the Warren, be omitted from the Inclosure.

EAST STAINMORE COMMON.

In support of the proposed Provisional Order :

Mr. Arthur Dixon and John R. Morris were examined.

Motion made, and Question, That the proposed Provisional Order ought to be confirmed by Parliament without modification—(*Sir Walter Barttelott*),—put, and agreed to.

[Adjourned till To-morrow, at Twelve o'clock.

Wednesday, 30th April 1879.

MEMBERS PRESENT :

Mr. SPENCER WALPOLE in the Chair.

Lord Edmond Fitzmaurice.
 Mr. Leveson Gower.
 Lord Henry Scott.
 Sir Walter Barttelot.

Mr. Shaw Lefevre.
 Mr. Pell.
 Mr. C. B. Denison.
 Mr. Arthur Walsh.

SCOTTON COMMON.

Ordered, To report the Resolution of the Committee of 29th April to The House.

EAST STAINMORE COMMON.

Ordered, To report the Resolution of the Committee of 29th April to The House.

[Committee adjourned.

FIRST
REPORT

FROM THE

SELECT COMMITTEE

ON

C O M M O N S ;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

*Ordered, by The House of Commons, to be Printed,
30 April 1879.*

158.

Under 1 oz.

S E C O N D
R E P O R T
FROM THE
SELECT COMMITTEE
ON
C O M M O N S ;
TOGETHER WITH THE
PROCEEDINGS OF THE COMMITTEE,
MINUTES OF EVIDENCE,
AND APPENDIX.

Ordered, by The House of Commons, to be Printed,
7 May 1879.

Ordered,—[*Friday, 14th February 1879*]:—THAT a Select Committee be appointed, Six Members to be nominated by the House, and Five by the Committee of Selection, to consider every Report made by the Inclosure Commissioners certifying the expediency of any Provisional Order for the inclosure or regulation of a Common, and presented to the House during the present Session, before a Bill be brought in for the confirmation of such Order.

THAT it be an Instruction to the Committee, that they have power with respect to each such Provisional Order, to inquire and report to the House whether the same should be confirmed by Parliament, and, if so, whether with or without modification; and, in the event of their being of an opinion that the same should not be confirmed, except subject to modifications, to report such modifications accordingly with a view to such Provisional Order being remitted to the Inclosure Commissioners.

Committee nominated—[*Wednesday, 12th March 1879*]:—of:—

Mr. Spencer Walpole.	Mr. Pell.
Mr. Leveson Gower.	Lord Edmond Fitzmaurice.
Sir Walter Barttelot.	Mr. Shaw Lefevre (added 3rd April).
Mr. Fawcett (discharged 3rd April).	

Added by the Committee of Selection—[*Friday, 14th March 1879*]:—

Mr. H. Cowper.	Lord Henry Scott.
Mr. C. B. Denison.	Mr. Arthur Walsh.
Sir William Vernon Harcourt.	

Ordered,—[*Wednesday, 12th March 1879*]:—THAT the Committee have power to send for Persons, Papers, and Records.

THAT Five be the Quorum of the Committee.

Ordered,—[*Thursday, 3rd April 1879*]:—THAT Mr. Fawcett be discharged from further attendance on the Committee.

THAT Mr. Shaw Lefevre be added to the Committee.

Ordered,—[*Monday, 7th April 1879*]:—THAT the Petition of Rosanna Fray, against the Inclosure of certain Lands, be referred to the Committee.

Ordered,—[*Tuesday, 22nd April 1879*]:—THAT the Petition from Kirton in Lindsey and other places, in favour of the Inclosure of Scotton and Ferry Common, be referred to the Committee.

Ordered,—[*Friday, 25th April 1879*]:—THAT the Petitions presented to the House from Maltby, Sheffield, and Rotherham, in reference to the proposed Inclosure of Commons at Maltby, in the County of York, be referred to the Committee.

REPORT	- - - - -	p. iii
PROCEEDINGS OF THE COMMITTEE	- - - - -	p. iv
MINUTES OF EVIDENCE	- - - - -	p. 1
APPENDIX-	- - - - -	p. 117

S E C O N D R E P O R T.

THE SELECT COMMITTEE who were appointed to consider every REPORT made by the INCLOSURE COMMISSIONERS certifying the expediency of any PROVISIONAL ORDER for the INCLOSURE or REGULATION of a COMMON, and Presented to the House during the present Session, before a BILL be brought in for the confirmation of such ORDER:—And who were instructed, That they have Power, with respect to each such Provisional Order, to Inquire and Report to the House whether the same should be confirmed by Parliament, and, if so, whether with or without Modification; and in the event of their being of opinion that the same should not be Confirmed, except subject to Modifications, to Report such Modifications accordingly, with a view to such Provisional Order being remitted to the Inclosure Commissioners;—HAVE considered the REPORT of the INCLOSURE COMMISSIONERS certifying the expediency of PROVISIONAL ORDERS—

For the Inclosure of
MALTBY and

REDMOOR and GOLBERDON COMMONS ;

And for the Inclosure and Regulation of
MATTERDALE COMMON ;

and are of opinion that the same ought to be confirmed by PARLIAMENT without modification.

7 May 1879.

PROCEEDINGS OF THE COMMITTEE.

Wednesday, 30th April 1879—(continued).

MEMBERS PRESENT :

Mr. SPENCER WALPOLE in the Chair.

Lord Edmond Fitzmaurice. Mr. Leveson Gower. Lord Henry Scott. Sir Walter Barttelot.		Mr. Shaw Lefevre. Mr. Pell. Mr. C. B. Denison. Mr. Arthur Walsh.
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MALTBY COMMON.

Report of the Inclosure Commissioners certifying the expediency of a Provisional Order for the Inclosure of Maltby Common, read.

The Petitions against the proposed Inclosure from—

1. The Mayor and Corporation of Sheffield ;
2. Inhabitants of Maltby ;
3. Inhabitants of Rotherham ;
4. The Mayor and Corporation of Rotherham ;
5. Literary and Scientific Society of Rotherham ;

Referred to the Committee 25th April, read.

Objections to the Inclosure were also read from—

Professor E. Rolleston, M.D., F.R.S., and Professor John Westwood, M.D., F.R.S.
 Charles Thornhill, and
 Sidney O. Addy.

In support of the proposed Provisional Order :

Mr. *George P. Leach*, Mr. *Henry Vivian Tippet*, and Mr. *David Jennings*, were examined.

In support of the proposed Petitions against the proposed Provisional Order :

Mr. *David Ward*, Mr. *William Henry Brittain*, and Mr. *Robert Leader*, were examined.

[Adjourned till Tuesday next, at Twelve o'clock.]

Tuesday, 6th May 1879.

MEMBERS PRESENT :

Mr. SPENCER WALPOLE in the Chair.

Lord Edmond Fitzmaurice. Mr. H. Cowper. Sir Walter Barttelot. Mr. Arthur Walsh. Mr. Shaw Lefevre.		Mr. Pell. Mr. C. B. Denison. Mr. Leveson Gower. Lord Henry Scott. Sir William Vernon Harcourt.
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MALTBY COMMON.

Motion made, and Question proposed, That the Provisional Order ought to be confirmed by Parliament without modification—(Sir *Walter Barttelot*).

Amendment proposed to leave out from the word “ought” to the end of the Question, in order to insert the words “not to be confirmed by Parliament”—(Mr. *Shaw Lefevre*).

Question put, "That the words proposed to be left out stand part of the Question."—
The Committee divided:

Ayes, 8.
Mr. Leveson Gower.
Sir Walter Barttelot.
Mr. Pell.
Lord Edmond Fitzmaurice.
Mr. H. Cowper.
Mr. C. B. Denison.
Mr. Arthur Walsh.
Lord Henry Scott.

Noe, 1.
Mr. Shaw Lefevre.

Main Question put,—*Resolved*, That the Provisional Order ought to be confirmed by Parliament without modification.

Ordered, To Report.

MATTERDALE COMMON.

Report of the Inclosure Commissioners certifying the expediency of a Provisional Order for the Inclosure and Regulation of Matterdale Common, read.

In support thereof:

Mr *Arthur Dickson* was examined.

Motion made, and Question, "That the Provisional Order ought to be confirmed by Parliament without modification"—(Lord *Edmond Fitzmaurice*),—put, and *agreed to*.

Ordered, To Report.

[Adjourned till To-morrow, at Twelve o'clock.]

Wednesday, 7th May 1879.

MEMBERS PRESENT:

Mr. SPENCER WALPOLE in the Chair.

Sir Walter Barttelot.
Mr. Arthur Walsh.
Mr. Shaw Lefevre.

Lord Henry Scott.
Mr. H. Cowper.
Lord Edmond Fitzmaurice.

REDMOOR AND GOLBERDON COMMONS.

Report of the Inclosure Commissioners certifying the expediency of a Provisional Order for the Inclosure of Redmoor and Golberdon Commons, read.

In support thereof:

Mr. *James Caird*, C.B., and Mr. *George P. Leach* were examined.

Motion made, and Question, "That the Provisional Order ought to be confirmed by Parliament without modification"—(Sir *Walter Barttelot*),—put, and *agreed to*.

Ordered, To Report, together with the Minutes of Evidence and an Appendix.

[Committee adjourned till Thursday, 20th May.]

LIST OF WITNESSES.

Tuesday, 22nd April 1879.

	PAGE
Mr. James Caird, C.B. - - - - -	1
Mr. George Pemberton Leach - - - - -	2, 28
Mr. Makin Durham - - - - -	14
Mr. Rowland Winn, M.P. - - - - -	17
Mr. Thomas Ross - - - - -	18
Mr. Thomas Hugh Oldman - - - - -	18

Wednesday, 23rd April 1879.

Mr. Thomas Hugh Oldman - - - - -	33, 49
Mr. Edmund Pooley - - - - -	36
Mr. George Pemberton Leach - - - - -	37
Mr. George Tunnicliffe - - - - -	44
Mr. Alfred Atkinson - - - - -	46
Mr. James Caird - - - - -	50
Mr. Arthur Dickson - - - - -	52
Mr. Crayston Webster - - - - -	52
Rev. James Simpson, LL.D. - - - - -	54
Mr. Anthony Metcalfe - - - - -	57

Tuesday, 29th April 1879.

Mr. Arthur Benson Dickson and Mr. John Robert Moore - - - - -	60
---	----

Wednesday, 30th April 1879.

Mr. George Pemberton Leach - - - - -	64, 98
Mr. Henry Vivian Tippet - - - - -	77
Mr. David Ward - - - - -	81
Mr. William Henry Brittain - - - - -	86
Mr. Robert Leader - - - - -	90, 97
Mr. Daniel Jennings - - - - -	93

Tuesday, 6th May 1879.

Mr. Arthur Benson Dickson - - - - -	100
-------------------------------------	-----

Wednesday, 7th May 1879.

Mr. James Caird, C.B. - - - - -	106
Mr. Henry Salusbury Milman - - - - -	109

MINUTES OF EVIDENCE.

Tuesday, 22nd April 1879.

MEMBERS PRESENT :

Sir Walter Barttelot.
Mr. H. Cowper.
Mr. C. B. Denison.
Lord Edmond Fitzmaurice.
Mr. Leveson Gower.

Mr. Shaw Lefevre.
Mr. Pell.
Mr. Spencer Walpole.
Mr. Arthur Walsh.

THE RIGHT HONOURABLE SPENCER WALPOLE, IN THE CHAIR.

INCLOSURE OF SCOTTON COMMON.

Mr. James Caird, c.B., called in ; and Examined.

1. *Chairman.*] You are one of the Inclosure Commissioners?—I am.
2. Was an application made to you for the inclosure of a common called Scotton Common in the course of last year?—Yes.
3. Were all the advertisements properly issued relating to the matter?—All advertisements and legal notices were duly given.
4. Was an Assistant Commissioner deputed to go down to the place?—Yes.
5. He will be able better than you can to give us specifically information as to the notices and public meetings, and everything which took place at the meetings which he held?—Yes.
6. And from him we can better learn what has been the feeling and opinion of the neighbourhood with regard to the inclosure?—Certainly.
7. As I understand, the inclosure which is now before us is not a question of regulation, but simply and solely of inclosure?—Solely of inclosure.
8. What is the name of the Assistant Commissioner?—Mr. Leach.
9. Have you ever seen the common yourself?—I have. I thought it my duty, when passing through that part of the country, to take a look at it to see the general appearance of the country, and whether, to my eye, it was a fitting subject for inclosure in regard to the cultivation of the land itself, and I was quite satisfied. It is in the middle of a good agricultural country in Lincolnshire; it is very sparsely inhabited; it is a common which at present yields extremely little to any one who is interested in it, but is capable of very great agricultural improvement, and especially that portion of it which is nearest the river Trent, and which can be treated by the mode of warping, which really converts land of no value into land of very high value. This land, as it lies at present, is comparatively useless, and will become of very great value under inclosure. It is believed that the increase in the value of the common, when fully cultivated, will be at least 3,000 l. a year. It will afford not only a very large present employment in the process of improvement, but a large increase of employment.

Mr. J. Caird, c.B.
22 April 1879.

Mr. J. Caird, c.s. ployment in the future, by so extensive a portion of land being converted from unproductive to, what I believe will prove, very productive land.
22 April 1879.

10. Warping, I believe, is a very expensive process?—It is at first, but it is very productive ultimately. You will have witnesses before you who will speak to the process having been carried out in the neighbourhood, and the suitability of this land for the same process being carried out. Moreover, I should state that there are very ample provisions made for the recreation of the people, and for field gardens.

11. Do you know of any objections being taken to the Provisional Order?—The only objection, I think, is a question of title as to the lordship of the manor, and we have fully reserved all such questions for the decision of the law courts, in case they should require to be carried to a decision. The Provisional Order protects all such questions.

12. Lord *Edmond Fitzmaurice*.] I see one of the lords of the manor claims to be lord of the manor of Scotter, and the other the lord of the manor of Scotton; are those two different descriptions of the same manor, or are they two separate manors?—They are believed to be two separate manors.

13. Are they adjacent?—I believe they are.

14. Are their boundaries unsettled then?—The Assistant Commissioner will be able to give you those particulars better than I can.

Mr. George Pemberton Leach, called in; and Examined.

Mr. G. P. Leach. 15. *Chairman*.] ARE you the Assistant Commissioner who was sent down by the Commissioners into Lincolnshire to inspect this proposed inclosure?—Yes.

16. When did you go down there?—I went down first of all on the 12th of June 1877.

17. Did you go down a second time?—I went down afterwards a second time, I think upon the 3rd of August the same year, and a third time upon the 27th of September 1878.

18. Then you went down three times?—I have been down there three times.

19. Of course you are well acquainted with the provisions of the Act of Parliament with regard to notices?—I am.

20. What did you do with regard to the notices which were served?—I took evidence at the meeting from the person who posted the notices at the time.

21. Did you give no instructions with regard to the posting of notices?—Notices were sent down from the Inclosure Office to the parties, and at the meeting I had the person who posted the notices before me to give evidence as to the manner and the times at which he posted those notices, and I satisfied myself that they fully complied with the requirements of the Act.

22. You believe that the Act of Parliament was in that respect fully complied with?—Yes.

23. Now, with regard to public meetings, will you tell the Committee what public meetings there were?—I held the first meeting at 11 o'clock in the morning upon the 12th of June.

24. That was the first time you went down, was it not?—Yes.

25. What took place at that meeting?—There were about 12 persons present, eight of them more or less having an interest in the case, being pecuniarily interested, and four disinterested persons. I stated the object of the meeting, and referred to the preamble of the Act of Parliament and the express directions in the Act that inclosure of a common was in no case to be recommended by the Commissioners where regulation could be effected, and that in case of inclosure being recommended it must be shown that the inclosure was for the benefit of the neighbourhood as opposed to the benefit of the persons who had an interest in the common. I then explained the Act, and stated that I would go through the form of questions which had been sent down by the Inclosure Commissioners and had been answered by the applicants, and that I should be glad to hear from the persons present whether the answers to those questions were correct, and that then I should obtain such further information from different persons as I thought necessary.

26. Was

26. Was there another meeting upon the same day?—There was another meeting upon the evening of the same day. Mr. G. P. Leach.

27. Was that meeting more fully attended?—There were present about 10 persons interested, and 24 disinterested persons, mostly of the labouring classes. 22 April 1879.

28. Were any objections taken to the proceedings?—No, not with regard to the benefit of the neighbourhood; there was a question as to one of the persons interested.

29. Who was that?—Mr. Gravenor Roadley.

30. Was that a legal claim?—Mr. Gravenor Roadley is lord of the manor of Scotter, which is adjoining the manor of Scotton, and he contends that Scotton is a sub-manor of Scotter, and he has put forward some vague claims to the ownership of the soil.

31. Did he state those objections at the meeting?—He stated that he should dissent; but he left the meeting before the questions as to the ownership of the soil were put.

32. Did he appear the second time you went down?—I did not hold a meeting the second time I went down.

33. But the third time that you went down did you hold a meeting, and did he appear?—He attended then, and he stated that if the inclosure were carried out the person who would have to decide the rights would be principally the valuer; he considered the valuer would be the nominee of the lord of the manor of Scotton, and that he did not wish his rights to go before that tribunal. I stated that the valuer could only be appointed by the persons interested where the majority in number, and the majority in value, of the persons interested agreed upon the appointment, and that if they did not agree the valuer would be appointed by the Inclosure Commissioners, and that the decision of any legal points would rest, not with the valuer, but with the Assistant Commissioner, who would be sent down as the legal assessor. I subsequently explained the matter to him after the meeting, and he expressed himself fully satisfied if the matter would be decided by the Inclosure Commissioners, or an Assistant Commissioner, and he came back to the room where we held our meeting and signed his consent to the Provisional Order.

34. I propose now to go through the main statements in the Provisional Order, in order that the Committee may have before their minds exactly the nature of the case; the common is stated to consist of about 2,105 acres?—It does.

35. What sort of land is this?—It varies very much in quality; part is high lying land, which is covered with heath, and of a very poor surface; another part consists of a very large sand hill, merely covered with a little bent grass; part of it is low-lying land near the Trent, which is at present fairly good pasture, but is very much liable to be flooded.

36. I see it stated in this Report that the fee-simple value ranges from 4 *l.* to 40 *l.* an acre, the average being about 13 *l.* 8 *s.* an acre?—That average is taken as the mean between the 4 *l.* and the 40 *l.*

37. In your next paragraph you state that, "From the nature of the soil, the greater part of the common could not be made into good pasture, but by the outlay of capital in warping, marling, draining, and other processes, it can be rendered valuable as arable land. It is estimated that the increase in value of the common when fully cultivated will be at least 3,000 *l.* a year. From 250 to 300 acres will be warped, for which process there are peculiar facilities, so that it can be done at an unusually cheap rate. This part will, it is expected, command a rent of between 3 *l.* and 4 *l.* an acre." Did you ascertain these facts to your satisfaction?—Yes; those figures are derived from the evidence which was given to me at the meeting.

38. Warping is a very expensive process, is it not?—It is.

39. And a profitable one if it is well done?—Yes.

40. In the next paragraph you say, "The population of Scotton village is 320, and that of the hamlet of East Ferry 150. Scotter, with 1,094 inhabitants, lies one mile to the north, and has an uninclosed common of about 200 acres." Is that statement, generally speaking, accurate?—It is.

41. In addition to that, you state that, "Large allotments of good and suitable land will be made for recreation and for field gardens. Carriage-roads, bridle-roads, and footpaths, will be set out as may be found convenient. And, judging

Mr. G. P. Leach.

22 April 1879.

judging from the results of an extensive inclosure in the same county, not far distant, carried out not many years ago, the general prosperity of the neighbourhood is likely to be greatly enhanced." Is that your opinion?—Yes. I may say that when I went down to Scotton the second time, I visited three inclosures which have been carried out in the neighbourhood, and in the case of one of them especially, Corringham, a village about four miles from Gainsborough, I was very much struck with the prosperity of the village, and from the information I obtained, that it was mainly due to the inclosure of the waste land.

42. In the next paragraph you state what recreation grounds will be provided. You state that it is provided that there should be an "allotment of six acres near the village of Scotton, and four acres near East Ferry, for purposes of exercise and recreation. Two acres on the top of Hardwicke Hill, which commands an extensive view, are also to be allotted as a recreation ground; proper access to this spot being provided, it will be a convenient place for picnic parties"—Hardwicke Hill is a high hill, and commands an extensive view, and I was informed that parties of school treats and other parties were in the habit of coming out from Gainsborough to spend the day there, and, therefore, I thought it desirable that there should be an open space retained upon the top of the hill, though practically it will be of no value to the villages near.

43. With regard to the recreation ground, have any representations been made to you that it ought to be more extensive than is stated in this Report?—No, on the contrary, at the meeting very little feeling was expressed in favour of the recreation grounds; they did not care about them, and they did not think they would be of much use.

44. With reference to the gardens you say, "it has been the custom to let for gardens parcels taken in from the waste, and all the cottagers have allotments varying in size from two acres downwards, only four being under one rood, and the smallest being half a rood." Now, what you propose is, that 19 acres of land shall be set out for Scotton for this purpose, and nine acres for East Ferry, where at present there are only ten cottages, and you consider that those allotments will be an ample provision for garden ground for the poor people; is that so?—Yes.

45. Was there anything said upon that part of it when you went down?—No, a general desire was expressed at the meetings that the gardens at Scotton should remain as they were at present, and the lord of the manor expressed his willingness that they should do so; he said that he would make no alteration, but from the feeling expressed by the Committee which sat last year it was considered that no reliance could be placed upon those promises, and that the garden allotments ought to be set out. This allotment which is now made will give a quarter of an acre each for the labouring poor, allowing for a very large increase of population likely to arise owing to the increased demand for labour which will exist if the inclosure is carried out.

46. In your next paragraph you give the quantity allotted to the lord of the manor, "One-sixteenth in value is the proportion of the manorial allotment in lieu of the right in the soil, mines and substrata being reserved;" then the Report goes on to state, "There is an adverse claim to the ownership of the soil by one who alleges that Scotton is parcel of the manor of Scotter. Both claimants consent to the inclosure, and the compensation for right of soil is set out to be made to 'the owner,' as provided by the Inclosure Acts for such cases;" is that the case you referred to at the beginning of your evidence?—It is.

47. That is an objection we shall hear of?—Yes, but perhaps I should say that I believe the claim on the part of the lord of the manor of Scotter to have any rights over the manor of Scotton to rest upon the very smallest foundation.

48. Lord Edmond Fitzmaurice.] Is Scotter a sub-manor of Scotton or Scotton a sub-manor of Scotter?—It is claimed that Scotton is a sub-manor of Scotter.

49. Chairman.] In that case the claimant would be the lord paramount?—Yes. Mr. Gravenor Roadley was asked after the meeting by the Commissioners to state the nature of his claims before the meeting was held to receive assents to the Provisional Order; he took no notice of that letter, and I believe a second letter was sent to him to which he made no answer; he attended at the meeting and stated he had not answered the letter, not out of disrespect to the Commissioners,

sioners, but that he did not know on what to base his claims. It was stated by the lord of the manor of Scotton that he had the court rolls of the manor for the last 200 years in his possession, and in those court rolls there is no mention of any acknowledgment having been paid to the lord of the manor of Scotter; and Mr. Roadley himself served as foreman of the jury of Scotton for a good many years.

50. Am I right in my recollection that you stated in a former part of your evidence that this claimant signed the Provisional Order?—Yes, he did.

51. Then with regard to the consents given you say, "The Provisional Order has received the consents of both of the claimants to the soil, and of the owners of 71 out of the 88 toftsteads"; those are holdings, I suppose?—Yes.

52. "Being considerably more than the requisite two-thirds in value;" is that statement accurate?—Yes. I believe the number 71 to be accurate, but the ownerships have changed slightly in the case of some of the toftsteads.

53. Substantially that is accurate?—Yes, substantially.

54. Is this accurate; "No other person interested has dissented" from the Provisional Order?—One of the persons owning common rights said that he would prefer the common to remain as it was; I believe that is mentioned in the report. Then I understand that there are further objections as well, representing four common rights out of the total number.

55. Did they come before you?—No.

56. Have those objections arisen recently?—Yes, they have arisen recently.

57. Lord *Edmond Fitzmaurice*.] Those were persons not present at the meeting?—They were not present at the meeting. Mr. Roadley said he represented one of them, but he had no legal authority to represent him.

58. *Chairman*.] The only other question to get the matter sufficiently before the Committee for them to deal with, is this; whether the last paragraph of the Report is in your opinion accurate. There appears to be "a very general feeling in favour of the inclosure on the part of disinterested persons, who consider that the reclamation and cultivation of the common will be a decided benefit to the neighbourhood. The spokesman of the labouring classes at one of the meetings said they would be glad to have the common inclosed;" did he appear?—He appeared; that was the first meeting. There were about 24 or 25 of the labouring classes, and one of them said that this was the feeling of the labouring classes, and I inquired of the meeting whether I was to take that as the expression of their opinion, and there was no dissent expressed.

59. Lord *Edmond Fitzmaurice*.] Is most of the land in the neighbourhood pasture or arable?—I think it is mostly arable.

60. You consider the question, you said, one of inclosure, as against regulation?—Yes.

61. Does it appear anywhere upon the face of the Provisional Order, or of this statement, why you recommend inclosure as against regulation?—It is not stated here in this report that regulation is considered, but I did consider it very carefully, and I came to the conclusion that regulation would neither be profitable nor advantageous at all.

62. Will you briefly state the reasons for such opinion?—In the first place, several attempts have been previously made to regulate the common by the parties interested, which have all failed.

63. Do you mean attempts to get a regulation order?—No, to regulate the common by agreement amongst themselves.

64. Those attempts, I suppose, broke down owing to legal difficulties?—I imagine they broke down more from the unwillingness of the parties themselves to come to any agreement.

65. That is what I meant, namely, the difficulty of agreement owing to the difficulty of ascertaining the apportionment of the rights as between themselves?—No doubt. If the steward of the manor is here he will be able to explain that better than I can.

66. I want to know why you, acting as Commissioner, sided in favour of inclosure as against regulation?—A very small part of the common is pasture, and of any value; the greater part of it is a very poor land; some of it is a mere sand hill.

67. Do you consider if the common, as a whole, were regulated, and consequently properly drained, as it would be under a Regulation Order, that it would

Mr. G. P. Leach

22 April 1879.

be without value?—The people would not spend money upon it for draining under regulation; the number of people entitled to common rights is much greater than the number of persons able to use those common rights, because the common rights can only be used by people living in the neighbourhood with their own cattle; they cannot be let to other persons. Further, a great number of the persons having common rights have no cattle, or live at a distance, so that practically the common is in the hands of very few persons indeed now.

68. Did you consider the practicability of inclosing part of the common, and regulating part, which can be done under the Act?—Yes, the only part which could be regulated at all is the part which would be warped, and that would command, as warped land, infinitely greater value than it could possibly command as pasture.

69. Then, in fact, you consider the circumstances of this land are materially different from the circumstances of the rest of the land in the immediate neighbourhood, which is in pasture and not arable; that is to say, if you regulate a common it probably would be used as pasture?—Yes.

70. But the land in the neighbourhood is pasture land, is it not?—No, I think it is principally arable.

71. You say that the majority of the land is arable?—Yes, that is my impression from what I have seen of the land.

72. And it would be advisable in your opinion to bring this land under the same system of agriculture as exists in the neighbourhood?—Yes.

73. I see in paragraph 2, on page 2, you say, "A cricket club which formerly existed in the neighbourhood has died away;" do you know how long that has ceased to exist?—I think some few years.

74. At either of the meetings was there anybody present who would be likely to have protected the interests of the younger portion of the inhabitants of the village?—The rector of the parish was there, and the churchwarden.

75. Does a churchwarden always play cricket?—Not necessarily, but I consider that the rector and the churchwarden together would be likely to look after those interests, and I particularly talked with the rector about it, and before I went down the second time I wrote to him, saying that in the inclosure of a common of such a large extent it was most desirable that the fullest provision should be made for public allotments, and requested him to consider whether there was any piece of land in the village which would be better as an allotment for recreation ground than an allotment upon the common; because, if so, I would use all my endeavours to try and get that land given in exchange for land upon the common, so that the most suitable land that could possibly be obtained should be secured as recreation ground for the village.

76. And you consider that these six acres that you set out as a recreation ground are suitable for games?—Yes, it is the best piece of land I could find. The rector was not well enough to go round with me when I went over the common, but he said that he had talked the matter over with the churchwarden and thought that was the most suitable place.

77. It is a reasonably flat piece of ground so that you could pitch a wicket upon it?—Yes, it will be levelled and made suitable for a cricket inclosure.

78. You stated that there was one person who did object at the meeting?—Yes, Mr. Roadley appeared at the first meeting and stated that he objected, but went away before his case was gone into at all.

79. Did you not say that there was some other person besides Mr. Roadley who objected?—I think that Mr. Baynton, at the last meeting, said he would prefer the common left as it was.

80. What is his position in life?—I think he is a small farmer.

81. Did he say he had exercised rights of common?—No.

82. He gave no reason?—He gave no reason.

83. Since then I believe four objections have come to your knowledge of a similar character?—Yes.

84. From what persons are they?—I understand, from information I have received from the Inclosure Office, that one is from a son of Mr. Roadley, and a person who is jointly interested with him, and another is from Mr. Charles Wigglesworth, who, I understand, is a small farmer.

85. Is the piece of the land known as the Warren separate from the portion of

of the common which is in dispute between these two gentlemen; I mean, does the dispute between the lord of the manor of Scotter and the lord of the manor of Scotton apply to the soil of the whole portion which you propose to inclose, or does it only apply to a certain corner of it known as the Warren? —I believe Mr. Roadley claims some interest over the soil of the whole of the common.

Mr. G. P. Leach.

22 April 1879.

86. So, in fact, there are two legal claims; first of all, a claim to the Warren, and then a claim to the whole soil of the common?—The claim to the Warren is quite distinct; that would not be claimed by Mr. Roadley as lord of the manor of Scotter. Besides the claim to the ownership of the soil, there is also a further question whether the Warren is part of the common at all, and not only the Warren, but several old inclosures which are mentioned in the Provisional Order, and some of which are to be given up in any case as allotment gardens.

87. It has been suggested to me by the Right honourable Chairman that you should point out the relative positions of Scotter and Scotton?—This is a map, and there is the village of Scotton (*pointing to the map*). The land of Scotter lies upon the north, adjoining Scotton Common, which extends from the village of Scotton to the banks of the Trent, a distance of four miles. Upon the banks of the Trent is the village of East Ferry.

88. Where is the Warren?—The Warren is in the centre; it is surrounded by a bank; I believe it to be a very nice legal point whether the lord of the manor of Scotton is entitled to the land, as his own private property, or whether he has merely a franchise of free warren over it.

89. Mr. Pell. When was that map made?—I think that map was made about the year 1877.

90. How much of the land near the river would be warped?—From about 250 to 300 acres, I think.

91. The warping drain would come through the old inclosures between the common and the river, if it is to be warped?—Yes, I think so.

92. When that is taken out, what would be the character of the rest of the land?—It would be very poor land, as a rule.

93. Could it be cultivated at all with corn?—I am told that it can be.

94. Do you know the adjacent country?—Not very well. I have driven through it on my way to Brumby and Frodingham.

95. There is a good deal of iron at Frodingham?—Yes.

96. But the hills above Frodingham are all planted, are they not?—I believe they are.

97. You think that the whole of this land can be turned into arable land when inclosed?—I believe the whole of it can, with the exception of the Warren.

98. Will the 1-16th, which the lord is to have, satisfy all rights and claims to minerals and waste over the whole of the inclosure?—The minerals are to be reserved to him.

99. Why do you give him the 1-16th?—That has been agreed between the commoners and the lord of the manor.

100. I see that some garden portions have already been taken out of the waste, but that there appears from your report to be no security to the tenants for the continued occupation of them; how were they taken out?—That is another question which will arise. The lord of the manor claims that they were inclosed by him as his private property, and that they are his private property, but some of the commoners, and I understand Mr. Wigglesworth among others (and I believe there is considerable ground for their claim), claim that they were inclosed from the common to give gardens for the inhabitants of Scotton, but with no intention of depriving them of their character of common land, and that when they were not required for gardens they would be thrown back into the common.

101. As a sort of temporary arrangement made for the benefit of the villagers?—Yes, an arrangement between the lord of the manor and the commoners and the villagers.

102. Has any quit rent been paid upon them?—Yes, 1s. an acre; I believe was paid; those rents were paid, I believe, to the foreman of the jury at the manor court, and for many years were applied by him to the general purposes of the common; for instance, to the building of a bridge upon the common.

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Mr. G. P. Leach.
22 April 1879.

103. Do you know how the manor court is constituted; are there any copyholders?—I do not know whether there are any copyholders.

104. Do not you know anything about the constitution of the court?—I do not know that; but I can say that the lord of the manor of Scotter did not interfere with the formation of the court, and not only that, but he served as foreman of the jury for many years himself.

105. Mr. *Shaw Lefevre*.] How much does that warren consist of?—Five hundred acres.

106. And that warren would not be fit for arable land?—I am informed that it could not be made useful for arable land; it is quite sandy.

107. Is it a blowing sand?—I am told so.

108. Would not that be capable of being regulated?—There is no pasture upon it.

109. What would it be suitable for when it was inclosed?—I can hardly imagine anything except as a warren.

110. Is there any benefit to be derived by the public or by anybody by the inclosure of it?—It would appear useless to leave that out if the whole of the rest of the common were inclosed.

111. What is the benefit to the public, or the lord of the manor, by inclosing that 500 acres?—There is no benefit arising with regard to that particular portion alone, but it would seem that there was no reason for leaving that out.

112. Although it cannot be turned into arable land?—I believe it cannot.

113. Did you explain to the meeting the possibility of regulating this common, or a portion of it?—I explained what the provisions of the Act were with regard to regulation, and what could be done under regulation.

114. Did you understand that some of the people had been considering the propriety of the regulation of this part of the common?—I think that was so.

115. Do you know what was the difficulty in the way of it. Did the lord of the manor refuse his consent?—I do not know that.

116. You did not inquire that?—No, I did not.

117. Did you point out the possibility of regulating part, and inclosing part?—I did.

118. I presume this process of warping could not take place under the regulation of the common?—That is so.

119. And, therefore, that increase of value could not be given under regulation?—No.

120. Did you point out the portion which might be dealt with under inclosure, and that the remainder, which could not be made into arable land, might be regulated?—I do not think I did, because I do not think I had been over the land at that time. I went over the land after the first meeting.

121. Will you point out upon the map where it is proposed to make the garden allotments?—Those are the garden allotments (*pointing to the map*).

122. Are those allotments cultivated by the labouring people of the place?—Yes.

123. In fact the labouring people will get very little beyond what they have already got?—If the land is the private property of the lord of the manor, he could take it away at any time.

124. As I understand it, it is now part of the common, and the lord of the manor, with the passive consent of the commoners, has allowed a portion of it to be inclosed for garden allotments?—He claims that that has been inclosed by him for his own purposes, and that it belongs to him as his own private property.

125. But the view apparently which you have taken of the matter is that these allotments are still part of the common?—I express no opinion upon the matter, but there is a strong case for it.

126. When you point out that these particular bits which are now garden allotments will be allotted to the poor in future as garden allotments, that must be upon the view that they are part of the common, and that when the common is inclosed they will be applied to the same purpose as they have hitherto been used for, namely, garden allotments?—I took those pieces as the best land I could find for the purpose.

127. But you must have selected those pieces of ground for the reason that they

they are now part of the common?—No; if I could have found more suitable land for garden allotments I should have chosen them and tried to induce the lord of the manor and the commoners to give that bit of land for garden allotments, and to take in exchange other land upon the common.

Mr. G. P. Leach.

22 April 1879.

128. But these pieces of land are now let as garden allotments?—Yes, they are.

129. Under the inclosure of the common these same bits of land will be vested in the public and will be let in garden allotments in the future?—Those pieces of land will be vested in the churchwardens and overseers as trustees in perpetuity.

130. So that the only benefit that the labouring men will receive will be that the question of property will be decided, and that the churchwardens and overseers will be trustees for their benefit?—They will secure that in any event. If they turn out to be part of the common, the lord of the manor will get no compensation for them; if, on the other hand, it turns out that they are the private property of the lord of the manor, of course he will get an equivalent out of the common.

131. But, as regards the labouring men, they will not be better off in the future than they are now, and, therefore, it does not appear to me that they get any benefit from the contemplated inclosure?—Assuming that the lord of the manor remains of the same mind as he is now and is willing to let them occupy these garden allotments, the labouring people will not be any worse off.

132. They have in fact enjoyed the use of the allotment grounds for many years past, as I understand?—Yes.

133. Assuming it is a portion of the common, the lord of the manor, with the tacit consent of the commoners, has appropriated it to garden allotments?—Yes.

134. And the labouring poor have had it at 1 s. an acre?—Yes, they have.

135. Assuming that the land is part of the common, it does not appear to me that the labouring people will be any better off after the inclosure than they are now?—They will be better off in this sense, that they will have secured to them for ever the land which they now hold at an uncertain tenure upon the will of the lord of the manor.

136. They will have to pay more for it?—The churchwardens and overseers are bound to let it to them at an agricultural rent.

137. What would be the agricultural rent for this land?—20 s. or 25 s. an acre.

138. Therefore the poor in future would have to pay 25 s. instead of 1 s. an acre for this very land?—That is the provision of the Commons Act.

139. That is the fact, is it not, that the poor will have to pay 25 s., instead of 1 s., an acre for this very land?—That may be so.

140. You propose to set apart a portion of Hardwick Hill, namely, two acres, for the benefit of the public?—Yes.

141. Why should there not be considerably more so set aside, considering that Hardwick Hill is unfit for cultivation?—It is a long way from the village, namely, two or two and-a-half miles, and will not be much used, and for the purpose of a picnicking ground, and so on, I consider two acres will be ample.

142. The reason for restricting the quantity would be, that the thing is valuable to somebody, but if the whole of it is utterly valueless, and cannot be cultivated, I want to know what is the object of inclosing any portion of Hardwick Hill?—It may be that the lord of the manor might turn it into a warren.

143. Is the object of inclosing it simply for the purpose of turning it into a warren?—I could not say what he might do with it.

144. The lord of the manor might turn it into a warren?—The lord of the manor might, or whoever it is allotted to.

145. Sir *Walter Barttelot*.] The honourable Member for Reading has asked you about these allotments; I would ask you whether the lord of the manor can inclose, of his own free will, a certain portion of common, provided there is a sufficient portion left to satisfy the usual wants of the copyholders?—Yes, he undoubtedly can.

146. Therefore, of his own rights, he could inclose that portion which he has

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inclosed

Mr. G. P. Leach. inclosed for allotments without the copyholders being able to make any complaint against it?—Yes, provided he has satisfied the requirements you mentioned just now.

147. That has been done in many manors, has it not, throughout England?—Yes.

148. Claims have been made that the lord had no right, but, as a rule, it has been decided that he has a right to do it, and it has therefore been done?—I believe so.

149. Now, I believe, the lord is very anxious to have this common inclosed?—Yes.

150. It would be of great advantage, would it not, to the whole of the neighbourhood?—Yes, I believe to the whole neighbourhood.

151. The population is very small as a rule?—It is.

152. Supposing the common were left as it is, and were not inclosed, from the inquiries you made down there, do the people, or do they not, resort to this common as a place of recreation at all?—Not to any extent.

153. If they do resort to it, what part do they resort to?—I imagine they would go all over it; they wander over it, but there is no particular part which they use for games, or which is specially reserved for that purpose.

154. Is it a casual one or two who walk across it, or do they come there at any particular time of the year for amusement?—People from Gainsborough sometimes come out there during the summer.

155. How far is Gainsborough from there?—About nine miles.

156. What do they do there?—They picnic there.

157. Then the pieces of ground which you have allotted would be sufficient for that, provided there are good roads to it?—I consider they would.

158. Then, with regard to these allotments, suppose they belonged to the lord of the manor, he very likely would have no objection that they should remain as they are, in gardens?—He stated that it was his intention to allow them to remain as gardens.

159. And that the other portion you have named, 19 acres, should be given, in addition to those gardens which now exist?—The lord of the manor has not said that he will do that.

160. You do not know whether that was his intention?—No.

161. *Chairman.*] The Report says: "As, however, there is no security for the continuance of these lettings, it is provided that 19 acres of good land, well situated, including parts of what has heretofore been let from the common for gardens, shall be set out for Scotton"?—That is so.

162. *Sir Walter Barttelot.*] But my question was, whether the lord of the manor would be willing to allow these pieces of land to remain as gardens, in addition to those others, if it were necessary?—I could not say that, but I should point out that these portions of land are the most valuable portions of the common: they are worth from 30 *l.* to 40 *l.* an acre, whereas other parts of the common are not worth more than 3 *l.* or 4 *l.* an acre; I calculated the average value as 13 *l.* an acre, and those allotments, including the recreation ground, would amount to at least 96 acres of common of average value, which would be given up to public purposes.

163. To whom do the cottages principally belong?—I can hardly say whether they belong to the lord of the manor or not, but they are in the village.

164. Have those cottages gardens as well as the allotments which they now use from the common?—As a rule, not.

165. There have been several attempts made, I believe, to regulate the common?—So I have been informed.

166. Those were merely to regulate the common so as to divide the pasturage among the different tenants?—Yes, and to make arrangements for stinting.

167. Those attempts, of course, fell through on account of the difficulty of satisfying the various claimants?—Yes, that is generally the difficulty about stinting.

168. Now the honourable Member for Reading has asked why this common could not be regulated; is there anybody in the district who would go to the expense of coming here to have a common of that kind regulated at the expense that

that it would cost to regulate it?—I feel quite sure they would not, and I believe from the experience I have had and the meetings I have attended, it will be very seldom found that people are willing to go to the expense of regulation.

Mr. G. P. Leach.

22 April 1879.

169. In answer to the honourable Member for Reading, who pressed you as to why the warren should not be regulated, you stated that the soil of it was a blowing sand; now I would put it to you in the reverse way, and ask you what harm it would do to the public if that warren were inclosed?—None whatever that I can see.

170. They would not walk over it, would they?—No, only in one or two places where it is firmer than in other parts.

171. That is upon the top of the hill?—Yes.

172. As a whole, it is of no use to the public?—No.

173. Lord *Edmond Fitzmaurice*.] What is the total acreage of Hardwick Hill?—It is about 96 acres.

174. Could you inform the Committee whether the inclosure of that land which is now occupied by the gardens, about which you were examined principally by the honourable Member for Reading, was claimed to be made under the custom of the manor or under the Statute of Merton?—It was inclosed at the manor courts.

175. By the custom of the manor?—With the consent of the homage.

176. Mr. *Shaw Lefevre*.] Did I understand you to say that it was an understanding that if it were not used in allotments then it should be returned to the lord?—No, I put that to explain its possibly retaining its character of common.

177. Do I understand that there was an arrangement come to at the manor court or between some parties to the arrangement, that if this land were not used for garden allotments it should be thrown back to the common?—That is a mere conjecture on my part; all I had to go upon was that in examining the court rolls I saw that certain land was allowed to be taken in for gardens. It was ordered by the court that gardens be granted to certain persons, and the rents of those gardens were paid to the foreman of the manor court, and were applied by him for general purposes.

178. Is not the legal effect of that that the soil has not ceased to be common, and that when its use as garden ceased it would revert to the common?—The solicitor informs me that he has conclusive evidence that these inclosures were made by the lord.

179. But I take the facts as you state them; assuming there is no further light thrown upon them by the court rolls, assuming the facts as they stand upon the rolls of the court, does not it amount to this, that the land has not been taken from the common in a legal sense, but that the land still belongs to the common and has been let out to the poor in this way, and that when they have ceased to use it it reverts to the common?—I have formed the impression that that is so, but I should be scrry to say more than that.

180. Lord *Edmond Fitzmaurice*.] You were asked by the honourable and gallant Member for Sussex whether this inclosure was not made under the Statute of Merton by the lord of the manor, on the ground that he was leaving a sufficiency of pasturage for the other commoners?—I understood the honourable Baronet to ask me whether he had power to do so, but in this case it was not so, but was an inclosure made with the consent of the homage at the manor court.

181. Therefore the question of the sufficiency of pasture would not arise in this case?—It probably would not arise. There is one other point I should mention which does not appear upon this Report, namely, the probable public advantage to the village of Scotton from the inclosure; that is to say, that a considerable demand for labour is anticipated if this inclosure is carried out. Both the warping of the land and the bringing of the common into cultivation will cause a considerable demand for labour, and that will probably increase the population of Scotton village. Now Scotton is, at the present time, entirely dependent for supplies upon Scotter, which is more than a mile off, and I anticipate that the increased population will have the effect of bringing shops to supply the people at their own homes, without obliging them to send to Scotter, which is at a distance from them.

Mr. G. P. Leach.
22 April 1879.

182. Mr. Shaw Lefevre.] What is the extent of the land let out in garden allotments in this way at present?—About 46 acres.

183. And that is wholly used by the villagers of Scotton?—It is.

184. That is more than is appropriated for the villagers of Scotton, I think; now seeing that 46 acres, upon your understanding, are now set apart from the common, and used by the villagers of Scotton, why do you propose to allot to them only 19 acres?—Because I have generally understood that an allotment of a quarter of an acre is considered to be an ample garden for a cottager.

185. But many of these allotments are, as a fact, two acres in extent, are they not?—They can hardly be called gardens; they grow corn upon them in many cases.

186. Looking at this arrangement from the point of view of the labourer, and upon the assumption which you seem to have come to, that this land is a part of the common, and does not belong absolutely to the lord, will not the arrangement be this, that whereas hitherto the labouring people have had 46 acres as allotments, some of them as garden, and some of them as field allotments, they will in future only have 19 acres?—If the lord of the manor chooses to take them away, and not allow them to enjoy them, as they do at present, that will be so.

187. In future these bits would be his private property?—Not necessarily, because those that are not included within the proposed inclosure would not be affected. They have been inclosed more than 20 years, but they may not have lost their character of common.

188. Out of those 46 acres now, as you say, held as garden, 19 will be allotted to the poor, and the remainder will be allotted to somebody else as private property; will not that be so?—No, because those portions are left out of the inclosure, because they have been inclosed more than 20 years.

189. But I am now assuming that those are part of the common; assuming that these 46 acres belong to the common, and have only by tacit arrangement been let out as garden allotments in the part included as common, 19 acres will be left to the poor, and the remainder will be left to somebody else?—They will be unaffected by the inclosure, because the whole of the 46 acres are not included under the Provisional Order.

190. How much of the 46 acres is included?—Only so much as is required to make the allotments.

191. How much is that?—Nineteen acres.

192. Then the rest will be left out in the cold, and fall to somebody else?—It will be quite open to the commoners to assert their rights.

193. What chance have the labouring people of asserting their rights?—The commoners are not labouring people; there is Mr. Roadley for example.

194. Who would be interested in asserting their rights to the remainder of this 46 acres, in order that the labouring people may have the enjoyment of the rights of common; what interest would anybody have in asserting their rights?—That I can hardly say.

195. Do any of the labouring men now turn out cattle upon the common?—I am informed that they do not.

196. Do some of them turn out cattle upon these allotments?—No.

197. What do they use the allotments for if they do not use them for gardens?—They grow either corn or potatoes in them.

198. Mr. Pell.] You say that all the particulars are set forth upon the map appended to the Report; now, already there is a discussion here on one point; the honourable Member for Reading has put questions to you as to what portion of this land is to be inclosed or not, and you appear to have drawn an arbitrary line with regard to these 49 acres of which the Committee know nothing?—The whole of the ground inside the green line is subject to inclosure.

199. That leaves out one part of the gardens and takes in another part of them?—It does.

200. Now the numbers you have left out as not subject to inclosure are Nos. 33, 34, 35, 36, 37, and 38. Now, why were those gardens left outside the ground to be inclosed and the others taken in?—Because they have all been inclosed more than 20 years, therefore the Commissioners have no jurisdiction over them; but the numbers included were brought into the inclosure because I considered that they were the most suitable pieces I could obtain for garden allotments.

201. There

Mr. G. P. Leach.

22 April 1879.

201. There is no dispute as to the correctness of your decision and judgment in leaving out these grounds; everybody is satisfied that they were not lands which should be dealt with under the Provisional Order?—Nothing is said about them, except that I should mention that Mr. Wigglesworth first raised the question that they were a part of the common, but that was not at meetings before me.

202. But that is not raised now?—No.

203. What rent is paid for the gardens which are outside the inclosure?—One shilling an acre, I believe.

204. That is the same as is paid for the gardens inside the green line?—I understand that 1 s. an acre was paid for all.

205. Mr. *Shaw Lefevre*.] To whom did you say the rent was paid now?—To the lord of the manor; he has received it for a good many years.

206. Mr. *Pell*.] When the inclosure takes place, presuming these gardens are re-allotted under the Inclosure Act as gardens, there will be more rent paid; I think you said the allotment trustees would take 1 l. or 25 s. an acre?—Under the Commons Act they are bound to let it at an agricultural rent, and I assume that the agricultural rent is about 25 s. an acre in this locality.

207. Then the persons who at present occupy these gardens will not be benefited; they would rather be worsened as regards their gardens; they would have no better title, but would have to pay 25 s. instead of 1 s. an acre, whereas the bits about which I first asked you would remain, or may remain, at 1 s. an acre?—Yes; but, of course, if these plots are the property of the lord of the manor he would be entitled to take them away to-morrow.

208. Or to put the rent up?—Or to put the rent up if he pleased.

209. And he will put the rent up, will he not?—He says he is willing to consult the interests of the people, and that they shall have the allotments at their present rents.

210. Have any buildings been put up on any of these inclosed lands?—No, I think not.

211. *Chairman*.] Did I understand you to say that you proceeded upon the assumption that where you were satisfied that these gardens had been inclosed for 20 years, paying a quit-rent, there you treated them as property belonging to private individuals, and no part of the common?—Yes.

212. And that the other parts of the property which were treated as part of the common which is to be inclosed, were where the quit-rents have not given a title by 20 years' possession?—If any inclosure had been made in the common under 20 years, I should state that it ought to be included in the Provisional Order as a new inclosure.

213. Then all this land not included in the inclosure, and which you believe to have been granted by the lord to the commoners at a quit-rent, is not included, upon the ground that there was a legal title to it?—Yes.

214. Mr. *Pell*.] Where do you propose to put the other garden grounds?—Near East Ferry.

215. That is a long way from the Scotton people?—Yes, but it is close to the population of East Ferry.

216. Who will enjoy it?—The population of East Ferry.

217. That bit will be warped, will it not?—Not if it is allotted for garden allotments.

218. Would it not be a very costly proceeding to inclose a piece of ground of nine acres or so, to protect it from the beneficial effects of warping?—No doubt it would. I endeavoured to see if I could get a bit of ground for gardens in the village of Ferry which would be more suitable than that, but there was no ground which I could obtain there.

219. You have seen the land?—Yes, I have.

220. And in order to keep the water out of it you must fence it off?—Yes.

221. And that will make the ground poorer than the surrounding land, will it not?—Yes, it will.

222. Therefore to protect the land you must keep it in an inferior condition?—Yes, relatively.

223. Mr. *Shaw Lefevre*.] Who would pay for the expense of warping?—The persons benefiting by the inclosure, I suppose.

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224. The

Mr. G. P. Leach.
22 April 1879.

224. The warping would be done by the persons to whom it was allotted afterwards, would it not?—I presume it would be allotted, and then people would warp it.

225. In that case who would undertake the expense of warping this bit?—That I can hardly say. I should prefer that you should ask some witness more conversant with the matter, as to whether any part could be excluded from the operation of warping.

226. Lord *Edmond Fitzmaurice*.] Did anybody state at the inquiry what kind of crops it was proposed to grow upon this land when it was inclosed?—Warped land will grow three or four crops of corn in succession, I understand.

227. Mr. *Shaw Lefevre*.] Do you think that the labouring people who attended the meeting understood that they would have to pay 20 times as much for their allotments as they have hitherto paid?—It was stated that they desired to remain as they had been before.

228. Did you point out to them that they would have to pay according to the agricultural value of the land in future, instead of 1 s. an acre?—I think I did.

229. Are you quite sure that you made that intelligible to them at the meeting?—I feel sure I did, because it was a difficulty which rather struck me, but at the same time I felt it impossible to get over the point under the Act.

230. I want to be quite clear whether the people understood that they would only get 19 acres instead of the number which they have at present, and whether they would have to pay 25 s. an acre instead of 1 s., which they now pay?—I think I may say that they did.

231. And notwithstanding that, they made no objection to it?—No, I do not think they did.

Mr. *Makin Durham*, called in; and Examined.

Mr. *M. Durham*.

232. *Chairman*.] ARE you a Civil Engineer?—I am.

233. Are you acquainted with the neighbourhood of Scotton?—I am.

234. Have you any property there yourself?—I have near there; within a few miles of Scotton.

235. Are you acquainted with the process of warping?—Yes.

236. We have heard something in this Committee about the value of this common, and that, having the land warped there would add considerably to its value, give great employment to the people, and greatly benefit the neighbourhood generally; what is your opinion upon the subject?—I think the value of the land will be greatly improved, threefold at least, by the process of warping.

237. What is the process of warping?—It consists in the admission of tidal water upon the ground by an open drain. The lands have to be embanked to a certain extent, and the tide is allowed to ebb and flow until a sufficient depth of deposit is obtained, and then it becomes land of the most fertile description.

238. That is a process, I suppose, which could be undertaken by a number of persons?—It is done sometimes by a number of persons.

239. They agreed together to do so?—Yes, they agreed together to do so, and it is done at their expense according to their respective interests.

240. Is there any reason why that process should not be carried on here?—There is no reason whatever; the land is comparatively near to the river, and the expense consequently would be comparatively limited.

241. Therefore in that respect, whatever the facts may be upon the other points, the inclosure of this common would be very advantageous to the neighbourhood?—Very much so indeed.

242. Sir *Walter Barttelot*.] How far is this land from the sea?—It is about 30 miles from the sea.

243. Does salt water come up there?—Yes.

244. Is that a good thing to let in upon the land?—A certain portion; not so large a percentage as where it is nearer the sea; there is a certain proportion of salt, but it is not injurious to the vegetation.

245. Is there a very large deposit?—There is a very large deposit. I have warped

warped land where the deposit has been up to three and four feet in depth; it depends upon the surface of the ground how far it approaches the level of the spring tides; the depth of deposit varies from six inches to six and eight feet.

Mr. M. Durham.
22 April 1879.

246. How often do you open the doors?—The doors are self-acting, and the tide is allowed to ebb and flow through the doors; you shut them if there is not sufficient to cover the land.

247. At what time of the year do you work?—At all times of the year; we commence warping when the tide is very low; the land is covered with sand, and then it is improved by covering it with a lighter soil.

248. But where do you get the improved soil from; if the tide brings up sand at one time where do you get the improved soil from?—From the well-cultivated land above, the soil being washed down by the river and then carried back by the tide.

249. In the time of flood you get more sand, do you not?—In time of flood we get more sand, and we avoid warping when there is too much sand in the stream.

250. It is a rapid running river, is it not?—It is.

251. And the deposit is, as a general rule, a good deposit?—Yes, a very good deposit.

252. Now, I will ask you about these nine acres which Mr. Pell has talked about; would that be one inclosure, or would it be divided into different inclosures?—I cannot answer that question; if it is within the warping it would be one plot, I suppose.

253. It would be divided amongst the people, but it would not be embanked except by the one bank which marked its boundary?—If it is within the line of warping, the nine acres ought to be warped the same as the rest, and some means ought to be taken for improving it; leasing it for a term is a very common means adopted for meeting the expense.

254. I would ask you whether it is for the benefit of the people that it should be inclosed?—It should be inclosed certainly.

255. Would not that inclosure, being nearest to the river, impede the warping of the rest of the land?—It would be nearer to the warping, but it would not prevent the warping.

256. Would not the bank catch a very large portion of the stuff which went through the drain?—If you embanked the piece of land it would be shut out from the improvements; it would be an expense to shut it out, and it would be more desirable to improve it the same as the rest.

257. And when it was improved what would be the value of the land?—If the land were improved it would be worth 70 *l.* or 80 *l.* an acre.

258. And what is it worth now?—I should think not more than 30 *l.*; that is the best part of it.

259. You know the neighbourhood well, do you not?—Yes, I do.

260. Do you think the inclosure of the land would be a great benefit to the whole of the neighbourhood?—I think it would be a very great benefit indeed.

261. Do you think it would be a great benefit to the labouring classes as well as to others?—Yes, and a large portion of the uplands could be clayed; there is only one part of it, the blowing sand, which might remain barren; that is, the higher part of the warren, consisting of about 90 acres. The warren contains altogether, I understand, about 500 acres, but a considerable portion of that I think could be improved.

262. Have you been concerned in regulating commons at all?—No.

263. Have you read the Act of Parliament so as to know what the Act intends by regulating?—I do not believe that any regulating would have any beneficial effect upon this spot.

264. Would it be a benefit to people upon that land that a portion of that land should be regulated?—I think not.

265. Supposing this Committee should say that a portion of it ought to be regulated, do you think that the owner, or those who might be the owners of that property, would consent to pay to have a portion of it regulated?—I think not.

266. Mr. Shaw Lefevre.] Do you mean to say that the owners would object to

Mr. *M. Durham.* to any part of it being regulated?—I think they would object to anything being done with the common at all unless the whole of it were inclosed.

22 April 1879.

267. Supposing the Committee said, "You may inclose the whole of the common which can be cultivated with benefit, and with regard to the remainder you may have a regulating scheme;" do you think the parties would object to that?—I think they would.

268. Why would they do so?—Because I do not think it would be of advantage.

269. We have been told that 500 acres of it cannot be cultivated?—A large portion of it can be cultivated by claying.

270. Could it be made capable of growing corn?—Yes.

271. How much of it cannot be cultivated?—I think 96 acres, the higher portion.

272. That part could not be cultivated?—It would not be worth cultivation.

273. What is the expense of warping per acre?—The ordinary charge is 20 guineas, and I have known as much as 40 *l.* paid.

274. Assuming that the nine acres set apart for the poor in the district of East Ferry is to be warped, who is to do that?—That would have to be paid.

275. Who is to pay it?—I apprehend it ought to be paid by regulation in some way or other; the land might be leased for a term.

276. For how many years?—Twenty-one years is a very common time.

277. During that time the poor would have no use of their land; could you suggest any other plan?—You might leave that land out.

278. Then what benefit would they have?—In that case it would not be warped, and it would remain at its present value, namely, 30 *l.* an acre, instead of 80 *l.*

279. Mr. *Pell.*] How much of this land might be warped in acreage?—I have heard it stated at 250 acres, but when I viewed the common it struck me that much more than 250 acres was below the level of spring-tides; I may be wrong in that, but certainly it would not be less than 250 acres.

280. Is it not the case that a great deal of money has been unsuccessfully laid out in warping land, through not warping the most remote parts first?—Yes, there has been a great deal of money thrown away in that way.

281. Therefore, it is important that if anything is done it should be done upon a general scheme, and that that should embrace this garden ground?—Yes, certainly.

282. Do you think it should be warped before the lands are allotted?—I do not think it is very material; perhaps it would be wiser to do so, because if there were any variation in the quality of the warped land it could be adjusted afterwards.

283. If you inclosed the land first and put up fences and hedges, would you not have to pull them down?—That would be so.

284. The warping sometimes deposits six feet of soil on the surface, does it not?—Yes, but in this case there are no buildings to come in question.

285. Supposing in this case the land were allotted for the use of the poor and you put up the hedges, and then the land were warped out afterwards, those hedges would be submerged and have to be re-planted, and that would be a waste of money, would it not?—It would be a waste of money, certainly.

286. Do you see any objection to our embodying in our scheme a provision that the land should be warped before it was allotted; if you were advising a large landowner, would you not say it was better for the whole success of the scheme to warp it first upon one general system, carrying back the warp to the remotest distance?—Supposing the whole of the land to belong to one owner that would be the wisest way, but where there are a number of owners they must come to an understanding as to the cost of the works to be constructed before the water is put upon the ground; therefore it is necessary to have an arrangement before you commence the works in these cases.

287. Should we have power under the Inclosure Act to set apart a portion of the land and sell it to pay for the expense of the warping?—I rather doubt whether the Commissioners have that power. I should not like to say whether they have or not.

288. Two

288. Two hundred and fifty acres when once divided amongst different owners would not offer the best field for the working of the scheme, would it?—In this case I do not suppose the expense would be equal to the ordinary charge of the 20 guineas an acre, because the land is near to the river; it is not far to run the water. Mr. M. Durham.
22 April 1879.

289. It is of great importance, is it not, to the poor, or to whoever is going to have the use of this garden ground, that if any warping is done their ground should be warped?—Certainly.

290. And that would take some time, would it not?—Yes, it would take about three years; if some arrangement could be made to warp their ground at the same time, it would be very desirable.

291. *Chairman.*] Do you contemplate that the parties would more easily come to an arrangement to carry into effect general warping, than that we could make a regulation and insert it in the Provisional Order, to bind all the parties?—I think if you could make a regulation to bind all the parties, it would be the best course to take.

292. Do you think they would all agree to it?—I think if the suggestion came from you they would be very likely to agree to it sooner than if it came from themselves.

293. *Sir Walter Barttelot.*] What depth of sand is there on the best part of the warren?—A large portion of the higher sandy land could be easily clayed, and would become very valuable arable land.

Mr. Rowland Winn, a Member of the House of Commons;
Examined.

294. *Chairman.*] You are one of the Members for North Lincolnshire, I think?—I am. Mr. R. Winn, M.P.

295. Are you acquainted with Scotton Common?—I am not particularly acquainted with Scotton Common, but I know the valley of the Trent, generally speaking; I have been across Scotton Common, but I have not been intimately connected with it.

296. Probably you are acquainted with the process of warping, of which we have heard a great deal?—Yes, I have a quantity of warped land of my own, which is similarly situated to Scotton Common.

297. Knowing what you do of Scotton Common, and what you do of warping, do you think the inclosure of that common will be a benefit or not?—I have no doubt it would be a very great benefit, because the common is absolutely valueless as it is, and I have no doubt it could be made as valuable as warped land can be; I do not know what proportion of it could be warped; no doubt there are many parts of which the level is too high, but those parts which could be warped could be made very valuable, no doubt. My own land, which was partly under water and worth nothing at all, is now let for 3*l.* an acre, a great part of it, and the remainder for 45 *s.*, which might be raised at any time.

298. What was the cost of warping in your case?—It was about 25 guineas. I believe the cost of warping varies from 18 guineas to 30 guineas an acre; in the case of very high land the cost is raised, because only two or three tides each side of spring tide can be taken on. Perhaps I ought to mention that I have received a very long petition in favour of this scheme of inclosure, but I did not receive it until yesterday at a quarter past five, so that I could not present it.

299. *Sir Walter Barttelot.*] Do you live in the neighbourhood of this land?—It is some seven miles from my property.

300. You know the general character of the land, do you not?—Yes, the land all about there has been warped, except this common.

301. It is a sparsely inhabited district, is it not?—Yes.

302. And the neighbourhood would not be likely to lose any population from that common being inclosed?—On the contrary, it would increase, and would for a long time to come, in fact, in perpetuity, as there would be all this increase of valuable land.

Mr. R. Winn, M.P.
22 April 1879.

303. Would it be at all made use of by the neighbourhood as a place of recreation?—There is no large population nearer than Gainsborough; that is nine miles off.

304. Mr. Pell.] Would you not recommend the warping to take place before the allotments were set out?—I do not think that is usual. I do not see how you are to charge the owners. I never heard of it being done.

305. You would have the divisions laid out upon the plan, but no fence is put up?—Quite so. No fences would be put up, but the ground would be all divided theoretically.

Mr. Thomas Ross, called in; and Examined.

Mr. T. Ross.

306. Chairman.] ARE you an owner and a farmer of lands in Lincolnshire?—I am.

307. Is the land you farm near Scotton?—I own part of the land at Ferry.

308. We have heard a good deal of evidence about the warping of land: if the common is inclosed, what is your opinion with reference to warping it?—I think that the land would be materially improved.

309. Do you know anything about the operation of it?—The greater portion of what I own is warped land.

310. Is it increasing in value?—Yes; a great deal of it was not worth more than 5*l.* or 6*l.* an acre before warping.

311. What is it now worth?—It varies from 60*l.* to 90*l.* an acre.

312. Do you agree with what Mr. Winn has said recently, that it would be a great advantage to the neighbourhood if the common could be inclosed, and then warped afterwards?—I do.

313. Sir Walter Barttelot.] Do you get any benefit from the inclosure of this common?—Yes, I have two rights upon the common.

314. What would it cost to warp this land?—What I have now has cost from 15*l.* to 20*l.* an acre; the cost varies according to the situation, and so on.

315. In your opinion, would there be any difficulty in coming to an agreement amongst you all to have this land warped?—I do not think so at all.

316. Would there be any difficulty in making arrangements about warping the seven or eight acres at East Ferry, and then dividing it after it was warped?—I should prefer its being done in that way.

Mr. Thomas Hugh Oldman, called in; and Examined.

Mr. T. H. Oldman.

317. Chairman.] You are a Solicitor, I believe?—I am, at Gainsborough.

318. Are you solicitor for the promoters of this Provisional Order; that is to say, this scheme for inclosing the common?—Yes.

319. You professionally, as well as otherwise, are probably well acquainted with this common?—Yes, I have known it all my life.

320. I need not ask you much as to the past and present condition of this common, but it seems to be in a state which does not admit of much cultivation without improvements being made upon it; that is its present condition, is it not?—Its present condition is that it is practically worthless.

321. Some questions might be raised, and have been raised, very properly before this Committee as to the possibility of regulating that common instead of inclosing it; you are well aware that under the Act of Parliament there is a power of regulating as well as a power of inclosing; the Committee would like to know what your opinion is upon that part of the subject?—I am of opinion that it is almost impossible to carry out any scheme of regulation.

322. Will you give the Committee shortly your reasons for saying that?—First, I believe that the owners who are interested in the common would be unwilling to spend the money which would be required to make this into good pasture land. In the next place, there are a great many complicated difficulties which arise as to the liability for drainage, which I am of opinion could not be dealt with even under the clauses of the Act relating to regulation; and in the

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third place, there is a difficulty which appears to me to be almost insurmountable in the way of regulation, arising from the fact that a great number of the common rights are held by equitable owners, that is to say, are held under certain circumstances which have recently occurred, the title to which is equitable and not legal; the Scotton property in the parish of East Ferry is an estate which has been recently cut up into a number of lots for sale, and various persons there have purchased lots to which were attached toftsteads conveying common rights. Those common rights, therefore, are held by the owners of the toftsteads *prima facie* legally and equitably, that is to say, the persons legally entitled are *prima facie* entitled to the usufruct of the common rights as well; but, in the conveyances upon the sales there was a covenant inserted which placed the owner of the common rights in the position of having only the bare legal estate, instead of having the usufruct or the equitable estate. I am of opinion, therefore, that there would be great difficulties in carrying out any scheme of regulation upon that ground.

Mr. T. IL Oldman.

22 April 1879.

323. Mr. *Shaw Lefevre*.] Are rights of common only attached to toftsteads? —That is so.

324. It is not a right of common in the ordinary sense attaching to the land? —No; the common right attaches only to a toftstead, that is to say, the site of an ancient toft or tenement.

325. *Chairman*.] The toftstead is within the parish of Scotton?—The parish of Scotton extends not only to the village of Scotton and the township of Scotton, but to the township of East Ferry.

326. And all these toftsteads are within the parish of Scotton, which give certain rights to the parishioners over this common?—Yes.

327. What do you consider are the rights of these toftstead owners at this moment?—Their rights are simply those of pasturage. I think it probable there may have been rights of turbary at some time or other, but they have long ceased to exist; and as far as I can ascertain there are no traces of them in the court rolls since the year 1752, though there are instances where people have been fined for cutting turf, but I do not think it necessarily follows that they have any rights of turbary.

328. Those being their necessary rights, I wish to know why you think those rights could not be made the subject of regulation, as well as enabling them to act upon those rights by inclosing the common?—Because the legal ownership of those rights exists in many cases in persons who are not resident within the parish.

329. In fact because of the impracticability of getting their consent to it?—I think so; they would not trouble about it considering that the common right is a bare legal right only. And then there is this to be recollected, that the lord of the manor is himself the owner of 37 rights which he has purchased, and another gentleman is the owner of 23 rights.

330. Can you give the Committee the number of toftstead rights which there are?—As far as I am able to gather them myself, I make it out that there are 88 rights altogether; there are 37 belonging to the lord of the manor, and 23 belonging to Captain Fellowes, who retained the equitable right in these toftsteads when he sold his property.

331. Mr. *Shaw Lefevre*.] I want to understand what the nature of the operation was by which he retained his equitable right; did he say this: I sell you the land, but if there be any inclosure by which the toftstead owners will be entitled to a life-rent in the common, then the allotments shall be left to me? —Yes, that the allotments shall be held in trust for me.

332. He in fact separated the right of common from the toftstead with which it was enjoyed?—He did.

333. I do not know whether it is impossible to do that in law?—In law it is impossible to separate the common right from the toftstead to which it belongs, and therefore the only way was by making a covenant on the part of the purchaser that he would hold the right to the allotment in trust for the seller in case any such allotment were made out of the common.

334. Has that been held to be legal?—The opinion of counsel has been taken upon the matter. Then besides those allotments which I have named in the hands of two persons, there are 28 other persons who own the remainder absolutely both as legal and equitable owners.

335. *Chairman*.] Are those persons possessing such equitable rights in the common
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Mr. T. H. Oldman. persons who are entitled to give, whether they have given or not, their consent to the scheme for inclosure?—So far as I know they are entitled to give it.

22 April 1879.

336. As far as you know, have they given it?—I can give the history of each owner separately, as far as he has given assent in writing, or in some other form.

337. May the Committee generally consider from your statement and knowledge that these particular persons, the toftstead owners to whom you have been referring, have concurred in the proposal for the inclosure of the common?—Yes, I believe I am correct in stating that there are only three persons who are common right owners who have expressed their objection to this inclosure.

338. Do you know whether they continue to object to it?—Two of them do; I do not know whether the other one does.

339. Do you know whether we shall have those gentlemen before us?—I have seen one of the objectors here; the other I have not seen.

340. Mr. Shaw Lefevre.] Those are separate objectors from the lords of the manor, or people who claim rights?—The three I have mentioned do not include Mr. Gravenor Roadley, as lord of the manor of Scotter, but a gentleman of the name of Roadley. I do not know who it is has raised an objection on the part of a man called Butler, one of the three I have named, and there is a third objection by Mr. Charles Wigglesworth.

341. Chairman.] Are those all legal objections?—Those are objections since the Provisional Order was made; that is to say, objections which were made in pursuance of the notice which was issued after the sitting of this Committee.

342. Lord Edmond Fitzmaurice.] Why do you consider that the owners would be willing to spend money for improvement under an Inclosure Act, while they would not be willing to spend money for draining and improvements under regulation?—Because I do not think, as far as I have been able to ascertain the views of those who are interested, that they would consider the game was worth the candle.

343. If I understand your evidence correctly, just now you spoke of the difficulty of those gentlemen agreeing amongst one another; why should they agree in the one case and not in the other?—Because, as far as I understand, they are of opinion that inclosure would be very much more valuable for themselves than regulation.

344. Then it is simply, in point of fact, your view of their opinion as to the loss or gain, and not the fact of the intricacy of their rights causing an actual physical impossibility?—I think the intricacy of their rights adds very much to the difficulties, if not to the extent of rendering the regulation an impossibility.

345. Why does it render it an impossibility in the one case and not in the other?—With regard to the feelings of persons interested, as far as I know them, they are clear upon the point that inclosure would be very much more valuable for their interest than regulation. With regard to the second point, namely, the difficulty of ownership, the best proof I can give of what the intricacies existing are, is that there have already been three attempts at regulation, two before the Act of 1876, and one since the Act of 1876. The one made since the Act of 1876 was a very deliberate attempt on the part of some of the owners interested to effect regulation, and it failed entirely from the owners not being able to agree as to their rights, or as to the best mode of exercising them.

346. Will it not happen that when the inclosure is carried out and a scheme of improvement by warping and otherwise, of which we have heard, is carried out, these questions of ownership will be likely to interfere and hamper any combination amongst the owners?—I think not.

347. Mr. Leveson Gower.] If this land is to be made arable, regulation could not apply to it?—No, it could not.

348. Then when there was a proposal to regulate it, was there no intention to convert it into arable land?—There were two proposals to regulate it, or rather to stint it, before the Act of 1876. The proposal made since the Act was passed was really a proposal for regulation powers under the clauses of the Act. I have the particulars and minutes of the meeting here if the Committee desire to see them, but, no doubt, in each case the attempt had reference to the regulation of pasture, such as it was.

349. Mr. Pell.] Supposing the inclosure is carried out, what will those owners

of the toftsteads get by the inclosure; I am not talking of the man who has reserved all that can be got by the toftstead, but of the man who made the purchase you refer to on the condition that he would hold in trust the portion of any allotment which he might get which would represent the toftstead, the right pertaining to which had been reserved; whatever allotment was made would be made only in respect of the toftstead, would it not?—No doubt; he would get 1-88th of the balance which remained of the common after deducting an allotment for the rights of the lord of the manor, and an allotment, as we say, for free warren (when I say “we,” I mean the lord of the manor and his advisers), allotments for recreation, allotments for gardens for the labouring poor, and for roads.

350. He would get one 1-88th of the residue, but the whole of that 88th would go to the person who had reserved the right, would it not?—Certainly.

351. Still the persons whose consent you are applying for in this inclosure are the persons who have no real interest in it whatever; is not that so?—That is so; we are obliged to have the consent of those who are legally entitled to the toftstead, because you cannot separate legally the right of pasturage from a toftstead.

352. But these gentlemen who have acquired the property, whatever they have acquired, in making the acquisition permitted the person who sold them this property to require a condition, which, in the case of an inclosure, would deprive the purchaser of all he ever got by buying?—Except that according to that arrangement the legal owner of the toftstead was entitled to enjoy, and is now enjoying, the use of his common right until inclosure.

353. That I quite see, but then these gentlemen have given their consent to the inclosure?—The legal owners have.

354. They have given their consent to a proceeding which will ultimately deprive them of their property?—That is quite true in one sense. It was a pure matter of bargain at the time of the sale. It was a bargain that was perfectly well known to the public, and to those who came to the sale to purchase. It was a sort of bargain which does not affect the public.

355. In the conveyance was it made a condition that they should consent to an inclosure?—It was; perhaps what may be passing through the mind of the Committee may be, so to speak, the absurdity of dealing with this question in view of an inclosure when there were really no proceedings pending for an inclosure; but to explain that I ought to say that as far back as December 1874 there was a meeting for the purpose of promoting an inclosure of this common, whereas the sale of which I have been speaking did not take place until 1876; therefore the sale itself had reference, to a great extent, as far as the value of the lots sold was concerned, to the proceedings which were then pending for the inclosure, and which were merely stopped by reason of the Act of 1876 being before Parliament.

356. Now, passing from that, this was a much more populous place at one time, I should imagine?—Scotter was a very populous place at one time; I do not know that there is much evidence of Scotton being a more populous place than it is now.

357. All those tofts represent, in fact, buildings in which cattle were laid up at night, do they not?—During the winter.

358. Mr. Shaw Lefevre.] When did the last proceedings in contemplation of regulation take place?—Upon the 13th March 1877.

359. Was that after the sale by Captain Fellowes?—It was before the sale was completed; it was after the public auction, but before the conveyances were completed.

360. Was the difficulty that occurred one arising from this circumstance, that Captain Fellowes had in fact sold his property with the condition that the parties were not to have a right of common?—Not only Captain Fellowes, but Sir Richard Frederick, the lord of the manor, as well, who sold his estate in 1876, Captain Fellowes' estate being sold in 1874; Sir Richard Frederick, I should say, sold his toftstead absolutely; he retained no rights.

361. To whom did he sell his estates?—To different owners.

362. But Captain Fellowes has separated, as far as he can, the right of common from the land he enjoyed?—As far as he can legally do it.

363. That separation can only hold good in the event of inclosure taking place,

Mr. T. H. Oldman. place, I presume; that is to say, if the Committee should hold that there should be regulation but no inclosure, then the holders would retain their privileges?—Not even under regulation. As far as I recollect it, the covenant is framed to include the event of regulation as well as of inclosure.

22 April 1879.

364. Surely that could not be a good condition, because there would be an absolute separation of the land from the rights connected with it?—I venture to think that we lawyers can frame covenants to meet almost any condition.

365. Now is that really the difficulty in the way of regulation?—I do not think it is the chief difficulty, but it is one of the difficulties. May I be allowed to read my own minutes of the meeting of the 14th March 1877: they are rough minutes taken by myself at the time. The notice of the meeting was to the following effect, and I think I had better read the notice first:—"Scotton Common: Notice is hereby given that a meeting of persons legally interested in the Common will be held at Mr. Oldman's office in the Market Place, Gainsborough, in the County of Lincoln, on Tuesday, the 13th day of March 1877, at half-past two o'clock in the afternoon, for the purpose of resolving upon the terms of the intended application to the Inclosure Commissioners for a Provisional Order for the regulation of the said Common. Dated this 2nd day of March 1877. By order of the lord of the manor. Oldman and Iveson, Agents." Duplicates of this notice were posted to a great number of persons, to all the owners, as far as we could ascertain who they were, who were legally interested in the common. Accordingly a meeting was held, and this is my minute of it. "Scotton Common: At a meeting of persons interested in the Common, held at Mr. Oldman's offices, on Tuesday, the 13th day of March 1877,—Present: T. H. Carnochan, Esq., Lord of the Manor, by Thomas Hugh Oldman, his agent; Captain Fellowes, by Mr. Oldman, his agent; Gravenor Roadley, on behalf of himself and Charles Wigglesworth; Thomas Oxley, Moses Fish, Samuel Parkinson, Thomas Butler, John Holmes, George Anderson, James Stephenson, Robert Bainton, Charles Goodland, Robert Howell, John Howell, Rev. E. F. St. Leger, by Mr. Oldman, his agent. Mr. Roadley was appointed Chairman. Mr. Oldman explained to the meeting the provisions of the Commons Act, 1876, and also the requirements of an application, which was intended to be made to the Inclosure Commissioners for a regulation of the common, and stated that the object of the application which was being carried out at the instigation of the lord of the manor and Captain Fellowes, was to stint the pasturage. The mode of stinting was then discussed, and it appeared that the owners of common rights who were present generally claimed an unlimited right of pasturage, without reference to the ownership or occupation of any particular quantity of land. The feeling of the majority of the meeting seemed to be against a stint, except on the terms of every common right owner having equal rights of pasturage, irrespective of his occupation or ownership of land." That was what took place at the meeting.

366. *Chairman.*] Did anything else occur after the meeting?—Nothing more occurred with regard to the common until the application was made for inclosure, dated April, the following month.

367. Was the proposal to regulate entirely abandoned?—It was entirely abandoned.

368. Nobody suggested inclosure?—Not as far as I am aware.

369. *Mr. Shaw Lefevre.*] Was the lord of the manor then willing to give his consent to regulation?—Yes, he was.

370. *Lord Edmond Fitzmaurice.*] And that fell through owing to the difficulty of settling the rights of commoners, did it not?—That was so; I hold in my hand a copy of one of the proposed stints.

371. *Mr. Shaw Lefevre.*] Was it the contention of the lord of the manor that the right of the toftstead owners was limited?—Yes, certainly.

372. And that they had only the right, that of turning out a limited number of cattle?—Certainly, and that they had not the right of sub-letting as they did then. Sir Richard Frederick, for whom I acted, was a man who seemed to take no interest whatever in the condition or future of the common, and he never, as far as I know, made any attempt to deal with the rights of the pasturage or common rights themselves, except on two occasions, one in 1848, and one in 1865, when attempts were made to stint with his consent.

373. Did

373. Did the lord of the manor abandon all right to regulate when he found unlimited claims set up by the commoners?—It was partly in consequence of that, but not altogether, and he then proceeded for a scheme of inclosure. Mr. T. H. Oldman.
22 April 1879.

374. Did he state publicly that he withdrew from any further attempt at regulation?—Yes; it was stated at the close of the meeting that the attempt at regulation having failed, the lord of the manor would do henceforth all in his power towards inclosure.

375. The attempt at regulation had not failed in consequence of any action by the lord of the manor?—No, it failed because the owners themselves could not agree; the lord of the manor was passive in the matter in point of fact.

376. Could you tell the Committee anything about the portion of land which is now used by the labouring people for garden allotments?—My impression as to that is this, that so far back as the year 1835 these so-called gardens have been from time to time regularly let at the manor court held in the month of May in every year, called the Easter Court, to the labouring poor of the parish of Scotton and East Ferry.

377. Have you got the first entry in the Rolls?—The first entry I have is to the following effect: "Suit Roll, 1835 to 1843. The following rents are due for gardens and land, and paid at the Easter Court in each year." Then follows the list. I may say that before that I find these entries which it is only fair I should read to the Committee, dated the 8th December 1824. There is a presentment as to cottages erected upon the common, and trespasses and encroachments, and then there is one to the following effect:—"The jury also presented 'that two several pieces of land, parcel of the warren, and taken in and inclosed by Robert Fish, the occupier thereof (part thereof last year, and the former about ten years prior), containing twelve acres and upwards, should be again laid open, but part thereof being sown with wheat, rye, turnips, and seeds, we humbly submit it to the feeling and consideration of the lord of the manor, the Marchioness of Hertford, and the commoners, that he should be permitted to gather the crops growing therefrom;' " and then in the following year comes a list of those rents due for gardens.

378. Were those rents paid by the holders as appears from the Rolls?—They were let at the court, and the rents were paid to the steward at the court every year, and are to this day.

379. Are they paid by the holders?—Yes, they were paid by labouring men; they pay various rents, not as Mr. Leach has stated, 1 s. per acre; so far as I know there is no less quantity than half an acre, but there are a great number at 1 s.; there are others at 2 s. 6 d. for half an acre; there are some of one acre and upwards at 1 l. 4 s. and 2 l. 10 s., and sums of that kind.

380. What is the total now?—The total amount at the present time is between 11 l. and 12 l. per annum; there are 29 acres 3 roods 30 perches.

381. We were told that there were 46 acres under garden allotment?—I think Mr. Leach was in error about the 46 acres. I make it 29 acres 3 roods and 30 perches.

382. Do not the 46 acres include the old inclosure upon which there is a quit rent?—There is no quit rent except this to which I am referring now. We call them at the court every year, garden rents.

383. They came under the general definition of garden allotments, and are let to labouring people, though they are not all used strictly as gardens; that practice is very common, I believe, in that part of the country?—Yes, a rood of land is very often cultivated with corn.

384. Will you tell the Committee what is the contention of the lord of the manor with regard to these allotments?—That they have been inclosed by him from time to time, or with his consent, and that the rents have during all this period of which I have been speaking been paid to the steward, and that the steward has dealt with that money according to the instructions of the lord of the manor; that, in fact, the money itself belonged to the lord of the manor, and therefore the lord of the manor claims the possessory title to all these allotments.

385. That would rather seem to show that an allotment was made to each separate labouring man at a quit rent, and that it was only a quit rent which was paid to the lord of the manor?—No doubt the allotments were made the first time upon a quit rent, but that system has been very much modified of late; as far as I know there has been no renewal of the letting of gardens at a
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Mr. T. H. Oldman.

22 April 1879.

nominal rent, but the rule has been to let the old pieces at the old rents, whereas the new pieces which have been taken in have been let at an improved rent.

386. But there has been no raising of the rents on the old allotments?—No.

387. Has the admission of a new tenant been made at the court?—Yes, and the lord of the manor contends that he can at any time he pleases raise the rent.

388. I suppose there are other people who contend to the contrary?—So I understand, but I do not believe in the *bona fides* of the contention of any of those persons whom you name, except Mr. Charles Wiglesworth, and I am not aware that there are any who contend it except Mr. Wiglesworth.

389. But still it is contended that these are garden allotments, and ought to return to the common in case of inclosure, or else should belong to the people to whom they are allotted?—That is asserted by Mr. Wiglesworth, and the insertion of that in the Provisional Order was to enable the Commissioners to comply with the provisions of the Act of Parliament, so that if there is any objection the point should be reserved in the Provisional Order.

390. In what respect will the labouring people be better off under the Provisional Order?—Setting aside what the lord of the manor would be disposed to do, and which I am in a position to state he will be disposed to do, I think the allotment of 19 acres in Scotton and nine acres in East Ferry for poor people's gardens, giving the poor an absolute ownership, so far as they can have it as lessees at a fair agricultural rent, would be a very much better thing for them than to hold their allotments as they do now, subject to the will of the lord under any provisions of the Agricultural Holdings Act, and subject to having their rents raised.

391. That is upon the assumption that the allotments are the freehold of the lord?—That is so.

392. And upon that assumption they might be at any moment turned out by the lord, or have their rents raised?—Yes.

393. They never have had their rents raised since the commencement of the practice?—No.

394. And I presume they hardly expect that their rents will be raised?—No.

395. Upon that assumption they would be better off, inasmuch as they would have a perfectly clear title to their holdings from the parish instead of from the lord?—Yes.

396. Now, upon the assumption that the lord is not the owner of the land, and if not used for garden allotments it must be returned to the common, then I ask in what respect will they be better off than they were before?—Assuming the garden allotments are part of the common, then it is clear that the labouring population have no property at all in them.

397. But still they would continue to hold them as they have done?—But the next lord of the manor might deprive them of them.

398. But assuming that the lord of the manor is not the owner of this land, is there any probability of the land being thrown into the common?—If the garden allotments are part of the common, and ought not to be let to those people at all—

399. That is another question; that is not what I am asking you?—Either the lord of the manor had the right to do what he has done, or had not. If he had not the right to do it, it is perfectly clear that nobody else could do it, and that those gardens ought to form part of the common to-morrow morning.

400. Lord *Edmond Fitzmaurice*.] You say, as I understand you, that it is perfectly clear that the lord of the manor, with the consent of the homage, could not allow land to be set up as garden ground?—I do not say that; I say that the lord of the manor has either done what he was legally entitled to do, or he has not. If he has done what he has a legal right to do, then, *cadit questio*, but if he has no legal right to do it, then I say that no one else has a right to do now what he had no right to do before.

401. Then you are apparently stating what I put to you, viz., that there are only two possible positions of this land, and not as Mr. Shaw Lefevre holds, and as I hold, three; I should say this land could either be held by these cottagers

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as customary tenants of the manor paying a quit rent, or they might hold it as ordinary tenants of the land, assuming that the lord had inclosed the land under the Statute of Merton; or, lastly, the land might still be part of the common? —As far as I know I have not been asked any questions upon that point; but there is no evidence upon the court rolls of there being such a thing as a customary tenant of this manor.

Mr. T. H. Oldman.

22 April 1879.

402. Mr. *Shaw Lefevre*.] But surely if the lord of the manor, with the consent of the other commoners, lets land to the poor out of the common there can be no objection to such an appropriation?—I never heard of such a case.

403. It has been done in this case?—Not with the consent of the commoners; it was done at the court.

404. That assumes the consent of the commoners at the court; what could be the object of doing it at the court, if it were not to give the commoners an opportunity of giving or withholding their consent?—They never have objected.

405. Looking at it from a practical point of view, is there any practical probability, supposing nothing be done by this Committee, of this land being taken from the poor of the parish?—If you ask me what my opinion of the feeling of the lord of the manor is, that is one thing, but if you ask me what any lord of the manor might do under any circumstances, that is another thing.

406. But for nearly 50 years this land has been let to the poor of the parish at a nominal rent in small allotments; what practical probability is there of that coming to an end?—If anything happened to the lord of the manor it is just as likely that we might get a very hard-hearted man who would screw out of those tenants whatever he could.

407. But supposing the only alternative were that the land should go back to the common?—Then the labourers would have no property at all; they would have the allotments made to them under the inclosure of 19 acres.

408. You think the labouring classes would be better off by the certainty of tenure?—I do.

409. Paying a higher rent for it?—No doubt.

410. Do you think that that was clearly explained to them at the meeting?—It was clearly explained to them. I ought to say that the labouring people at that time trusted much more implicitly to the good feeling and the kindness of the lord of the manor who was put before them, than they cared to think about the effect of an Act of Parliament; but my belief is, that this is a difficulty which will never arise, because I think the feeling of those who will have the management of this inclosure, if it should be carried out, would be to give the labouring population every possible facility at a very low rent; therefore, I do not think, if this clause should be inserted in order to comply with what I venture to think was an unnecessary provision of the Act of Parliament, that the labouring population are going to be worse off.

411. If my recollection is right, the clause was inserted in the Act because it had been the custom of the trustees to let the land at more than its agricultural value, and, therefore, it was intended that they should be afforded an opportunity of taking the land at the agricultural value?—I understand that was so.

412. I may remind you that the clause to which you have alluded was inserted in the interest of the labouring poor?—I do not deny that for a moment.

413. This appears to be a peculiar case, because here the people appear to have had the land at very much less than the agricultural value, whereas, if this Bill is passed, they will in future have to pay a very much higher rate than they have paid in the past?—No doubt; but we are here dealing with certain restrictions which are made under a particular Act of Parliament, and not with the good will or ill will of any particular man.

414. It will be the duty, in future, of the trustees to charge for these allotments the agricultural value of the land, and I want to have your explanation how the labouring people will be better off under this Inclosure Act in the future than they have been in the past?—They would be better off under the provisions of this Act of Parliament, but they would not be better off if it were not for the provisions of the Act of Parliament. If they were left in the hands of the present lord of the manor, instead of being left to the tender mercies of the trustees under the Act of Parliament, then I admit they would not be worse off,

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Mr. T. H. Oldman.

22 April 1879.

off, but considerably better off; but unfortunately Mr. Carnochan is not to live for ever, and I do not see how these allotment rents can be continued at this low figure. I said a short time ago that, assuming for the sake of this argument that nothing else could be done, this might be a satisfactory arrangement, but the lord of the manor says he is willing to let the gardens or to make an arrangement for letting the gardens at the present rent in perpetuity, and that there will be no objection, if the Act of Parliament of 1876 allows it, to a clause being inserted in the Order for this inclosure, to deal with them in that way. What I mean is that, as far as the lord of the manor is concerned, it is far from his desire to interfere with the letting of these gardens at all. He was always willing and desirous, from the commencement, to let them remain in their present state, and if any scheme can be devised for carrying out that object we shall be glad to agree to it.

415. *Chairman.*] Do I understand you to say, upon the part of the lord of the manor, that if we thought fit to amend the Provisional Order with reference to the rent to be paid for these gardens, stipulating that it should not exceed the rent which has hitherto been paid by these cottagers for the land which they have had, the lord of the manor would have no objection to some such arrangement being inserted in the Provisional Order?—That is so. May I be allowed to state what would be the effect of that. The effect of that would be that, although there might be an allotment for the labouring poor in 19 acres in Scotton, and in 9 acres in East Ferry, practically that allotment would never be used, and the effect of this modification of the present Order would be to leave the gardens as they are, and to leave the 19 acres to themselves.

416. *Mr. Shaw Lefevre.*] But Mr. Leach contemplates a considerable increase in the population, and that might require a considerable increase of allotment, and that 19 acres of allotment might provide for those people?—If so, all the better.

417. Your proposition is that in addition to the 19 acres set apart by the proposal of the Inclosure Commissioners, the lord shall engage to continue the existing garden allotments, letting them in perpetuity at the same rent as he has hitherto done?—That is my proposition in addition to the allotments under the Act of 1876, with which of course he would have nothing to do.

418. *Sir Walter Barttelot.*] Are you steward to the lord of the manor?—I am.

419. *Chairman.*] We understand that the lord is willing to do that which you have stated, viz., to continue the rents as they are at present, and to let the 19 acres be taken in addition?—Quite so.

420. *Sir Walter Barttelot.*] Then, after all the discussion which the honourable Member for Reading has raised as to the difficulty whether the land belongs to the lord or not, he now lays it down as an absolute fact that these allotments do belong to the lord; is not that so?—I did not quite understand the honourable Member to lay down that proposition; I quite understand his natural solicitude upon the question that the labouring population should not, at all events, be worse off by the inclosure than they would otherwise be; therefore he was endeavouring to press me, as he did Mr. Leach, to show how they would be better off under this arrangement than they were before; and having failed to satisfy the honourable Member with regard to the abstract question of benefit, I was happy, I hope, in being able to satisfy him by another term of compromise admitting the lord's rights for the purpose of these labouring poor, and for no other purposes, that the Provisional Order should be so framed as to meet the honourable Member's views.

421. *Mr. Shaw Lefevre.*] If they belong to the lord, then these arrangements could be carried out; if they do not belong to the lord, then it would be left to be decided how they should be carried out in the future, and how the poor could be secured the ground they now enjoy?—The lord of the manor would be glad to agree to this; if the ground is conceded to belong to him, he would be only too thankful that Parliament should interfere to see that the gardens are retained to their present uses.

422. *Mr. Pell.*] Supposing this plan, which is a liberal one of the lord, were acceded

acceded to, that would take all these gardens out of our Order and we should not have to deal with them as land to be inclosed?—I hope not. Mr. T. H. Oldman.

423. Then, if that is the case, we have no authority to sanction any arrangement?—Yes, pardon me, because there is a reservation of the dispute. Mr. Wigglesworth contends that these gardens are part of the common, and must be subject to inclosure; the lord of the manor says they are not; we are bound by law to reserve the dispute, and therefore it is reserved. 22 April 1879.

424. But you do not deny that they are either lands to be inclosed or not; if they are not to be inclosed then the Committee have nothing to do with them?—So I have said all along, but I am now dealing with the case from Mr. Wigglesworth's point of view.

425. Supposing they are lands not to be inclosed, and the lord is desirous of giving effect to this liberal offer, how would you as a lawyer carry that out; you must put all these gardens in trust?—No doubt you must.

426. Without you put them in trust, the first man who got a garden at 1 s. an acre would immediately let it to somebody at 20 s.?—He would be prohibited from doing that.

427. He would be prohibited by the trust deed?—A scheme would have to be laid before the Charity Commissioners, and that would have to be laid before the Commissioners as an ordinary charity question.

428. And that would go from this room to the Charity Commissioners at Whitehall?—Yes, with this difference, that the Charity Commissioners would act *ex mero motu* as they pleased, whereas otherwise the matter would have to go before Parliament, and then be dealt with in another way.

429. *Chairman.*] I think there is no doubt whatever of the nature of the proposal which you have made to the Committee; now let me call your attention to the practical point which Mr. Pell has properly raised, viz., what would be the effect of that, and how can the intention be secured; let me refer you to the 11th sub-section of the 12th section of the 39 & 40 Vict. c. 56 (*reading the clause*); if I read that correctly, supposing the Committee agree to that, saying that certain modifications should be inserted, the matter would then be referred back to the Inclosure Commissioners to make the modifications according to the propositions which they have submitted to the Committee, then that must come back to the Committee before the Provisional Order could be submitted to Parliament for confirmation?—That must be so.

430. *Lord Edmond Fitzmaurice.*] There is one other question bearing upon this. I suppose it will be possible, upon the assumption that these lands are within the inclosure, for the lord of the manor to assent to some clause or clauses being put into the Provisional Order by which the rent should be regulated in a special manner; or do you consider that the clause, for which I confess that I am responsible, namely, the 26th clause, would prevent the Committee from assenting to any such alteration as would compel the land to be let below the agricultural value, that is to say, at the present value?—No; I think not; I think the 26th clause would not preclude any such arrangement; this section would only refer to the 19 acres. Of course I am giving my opinion, as the Committee will understand, without any previous consideration of the question, and I should not presume to offer an opinion upon that in the face of Mr. Leach or of the Commissioners. I should like to state to the Committee that this is not at all a new proposition upon the part of the lord of the manor, but is perfectly consistent with what he has done from the commencement, and it is an offer which he made at the outset of the proceedings; it is an offer he has made and has repeated over and over again, and it was simply in consequence of a so-called legal difficulty which Mr. Leach very properly raised, that he abandoned the idea.

431. *Sir Walter Barttelot.*] Are these allotments let to people living in Scotton?—Yes, and East Ferry.

432. They are let from time to time?—Yes.

433. That is to say, the tenant of one of these cottages may be a labourer on one of the properties there: and supposing he leaves the cottage and leaves the neighbourhood in the middle of the year, what happens with that allotment?—The circumstances are reported to the following court, and the garden is immediately taken away from him if he has not already given it up.

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Mr. T. H. Oldman.

22 April 1879.

434. That clearly shows that it is not a quit-rent that he is paying?—Clearly.

435. Then the lord lets it again to somebody else?—There are instances of it on the rolls where it has been over and over again stated that the homage, or the jury, as the case may be, prayed the lord to do certain things; the money is paid to the steward, and, as I contend, the expenditure of that money has been entirely on the part of the lord, dealing with the money as he thought fit. What I want to impress upon the Committee is, that these are in no sense of the word quit-rents. There are no customary tenants of this manor; there are no copyholds; but the tenants are simply tenants-at-will, liable to be dispossessed at any time; and the rents are paid every year to the steward of the lord of the manor, and held by him for the use of the lord of the manor.

436. Are they paid at the court?—They are. I know Mr. Leach is of a different opinion; but I am sorry to say I cannot give up my opinion upon the matter.

437. Lord *Edmond Fitzmaurice*.] The fact of the payments being made at the manorial court, where all the business relating to the common is transacted, points to the land being part of the common?—No doubt. The business of the common and the manor is not transacted at any time except at the Easter court.

438. From your experience, have you ever had instances of the lord inclosing a portion of the manor?—Yes, I have known cases in Essex in which some land was inclosed by Lord Petre, and some by Lord Mornington; if I recollect, there were a considerable number of inclosures in the neighbourhood of Romford.

439. Those were all done at the court, were they not?—Always.

440. With the consent of the homage?—No doubt with the consent of the homage in one sense.

441. The consent of the homage assembled there?—Yes.

442. After that they become copyholds of the manor?—They did not become copyholds, because they were not held by copy of the court roll; at each court there was a list produced, and this list was a list of the tenants of the gardens and pieces of land, with the rents opposite their names.

443. But I am talking of Lord Petre and Lord Mornington?—Those were different cases; they were called customary tenancies; those were parts of the lords' demesne; I say in this case there is no custom at all.

444. Lord *Edmond Fitzmaurice*.] Do you say that in this case the transaction was an informal one?—I put it stronger than that; that this has been done over and over again by the lord of the manor, and therefore he assumed he had the right to do it.

445. You could not give any tenure in these gardens which came within any known rule of law?—No, it may be something remaining over from the feudal times, and therefore it comes under the description of tenancy-at-will.

Mr. George Pemberton Leach, re-called; and further Examined.

Mr. G. P. Leach.

446. *Chairman*.] You have heard the examination of Mr. Oldman, I believe?—The greater part of it.

447. With regard to this question about the cottage gardens, there has been a proposition which you have heard made upon the part of the lord of the manor, with the view of meeting any possible objection which may be taken with regard to the report, as it has been drawn up so as to secure to the cottagers for their gardens something connected with no doubt, but in addition to, the holdings which they now have, whatever they may be. The Act of Parliament appears to give the Committee power to alter the clauses of the Provisional Order, or to direct that some alteration shall be made in it, and then that they shall frame the alteration accordingly; that power is given in Sub-section 11 of Section 12. Now I would ask your opinion whether that can be done, and, if so, in what way that can be done. Of course I am not assuming that it is going to be done, but I simply ask you the question in order that the Committee may know what would be the effect of that decision, if they should arrive at it?—Any alteration made in the Provisional Order by the Committee would involve its going down again

again to be considered by the parties; it would require to be deposited for inspection for a certain time, and receive the consents of the necessary statutory proportion of persons interested, in the same way as the original Provisional Order had to do. The effect of that, supposing the inclosure received the sanction of Parliament, would probably be to throw it over to another Session.

Mr. G. P. Leach.

22 April 1879.

448. Owing to want of time to carry it through this Session?—Owing to want of time this Session; there would not be time in all probability.

449. Now, with regard to another point which is of more importance than that. Can you alter the Provisional Order so as to give effect to the proposal of the parties, as submitted to the Committee with regard to these cottage gardens?—I think it might be done in this way, following the course adopted by the Committee in the Orford case last year. Mr. Carnochan is the lord in fee of the land in this case. It was Sir Richard Wallace last year in the Orford case, and he gave a legal undertaking to the Committee that his proposal should be carried out, the Provisional Order remaining unaltered.

450. As it was originally proposed?—Yes, and Mr. Carnochan could give in this case a legal undertaking to carry out the proposals made by the Committee in the course of the inclosure.

451. This being a proposal made by a lord of the manor, could not the same legal undertaking be given, supposing the Committee wished it to be done?—Yes.

452. If that were done, would not that get rid of the difficulty of postponing the matter until another Session?—Yes, if the Provisional Order is not altered.

453. The Provisional Order would not be altered in that case at all?—The Provisional Order would not be altered in that case at all.

454. It would be a legal undertaking given by him to the Committee?—Yes, a legal undertaking given by him to the Committee that he would give up a certain proportion of land for this purpose.

455. Mr. Shaw Lefevre.] That is upon the assumption that the legal ownership of these garden allotments is in the lord of the manor?—Yes.

456. But the Provisional Order treats them as if they were part of the common?—No, I think the Provisional Order recites that they are claimed as private property, and that they are also claimed as part of the common.

457. But the proposal seems to me to necessitate, even from the point of view of the last witness, a modification of the Provisional Order?—Of that, of course, the Committee must judge. Perhaps the Committee will allow me to correct a statement I made before with respect to the allotments for the labouring poor being 46 acres; 46 acres have been inclosed from the common; they were old inclosures, but only 29 of these acres have been let to the labouring poor at the rate of 1 s. an acre.

458. What has been done with the remainder?—The remainder are encroachments unauthorised, but which have been allowed to remain by the lord of the manor upon the payment of a rent considerably larger; in some cases 20 s. or 30 s.

459. Are those held in a similar way?—Those are held by the persons who made the inclosures.

460. Lord Edmond Fitzmaurice.] Under what tenure?—Under a yearly tenancy, I believe, or a tenancy-at-will. The difference between the 29 acres and the 46 acres is made up in that way. Perhaps I might hand in this map to the Committee (*producing a map*). This is a map showing the value of the different parts of the common, according to the different colours. (*The same was handed in.*) It will be seen that the value varies from 40 l. an acre to 4 l.; the value of the part coloured light green is only 4 l.

461. On the whole, I may take it from you that the Provisional Order will not require to be altered?—No; if the Provisional Order is altered at all it will have the effect of throwing the matter over for this Session.

462. But in order to attain the object which has been suggested by the previous witness, you would have to modify the paragraph of your Provisional Order beginning "the pieces of land numbered," would you not?—No, because those pieces of land are in any event to be allotted as gardens for the labouring poor. If they are part of the common, the Commissioners have power to require that they should be so allotted; and if they are not part of the common,

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Mr. *G. P. Leach*. but the private property of the lord of the manor, he consents to bring them into the inclosure for the purpose of being allotted as garden allotments, but he is to receive an allotment of equal value upon the common. It is provided under the Inclosure Acts, that the owner of private property can bring it into the inclosure, so that it can be dealt with under such terms as may be agreed upon.

22 April 1879.

463. But let me read you this paragraph: "That the pieces of land numbered 25, 26, 27, 28, 29, 30, 31, 32, 40, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, on the said map, and also so much land on the common at or near the spot marked B., as with those pieces will make up 19 acres, and also nine acres at or near the spot marked E., be allotted for field gardens;" now, that surely treats all those pieces of land as being within the purpose of this inclosure?—Yes, but it is governed by the previous recital: "And whereas part of the lands, the subject of this application, known as 'The Warren,' and other parts thereof numbered 25, 26, 27, 28, 29, 30, 31, 32, 40, and 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, and 54, on the said plan are respectively claimed as freehold and private property, not subject to rights of common, by the said Thomas Harsley Carnochan, and another part thereof known as the "Forty Foot South," is so claimed by Captain Arthur Fellowes, and another part thereof known as "the Forty Foot North," is so claimed by the said Gravenor Roadley; and the said Thomas Harsley Carnochan, Arthur Fellowes, and Gravenor Roadley, respectively, have consented that the said lands shall respectively be included in this Order, subject, and without prejudice to any claims which the said Thomas Harsley Carnochan, Arthur Fellowes, or Gravenor Roadley may respectively make and substantiate either in the subsequent proceedings under this Order or otherwise as they, or either of them, may think proper, as to the said lands respectively, being their absolute freehold and not part of the land subject to be inclosed under this Order." It reserves their rights. Perhaps I may explain that the Provisional Order has no power over lands which are not subject to be inclosed. It has been so settled by a case, and a man may stand by and see his lands dealt with under the Provisional Order without making any remonstrance, and then finally take proceedings against the valuer for trespassing upon his lands, but the Commissioners felt that there might be a difficulty in this case where the persons claiming the land as theirs became parties to the Provisional Order, which treated the land as common, by giving their signatures to it, and therefore this reservation was put in to save any rights which they may have.

464. *Chairman*.] That is their particular rights, but the Provisional Order does not touch the dispute about the cottagers?—No, it does not.

465. But the subsequent paragraph does?—Yes, it does.

466. Would not the effect of the Provisional Order, supposing it were passed in that form, the lord giving the undertaking he has suggested with regard to those cottagers be this, that the undertaking, combined with the Provisional Order, would be binding, so that it could not be misunderstood?—I think it would.

467. So that indirectly, without an alteration of your Provisional Order, you could get the whole object of the proposal which has been submitted to the Committee?—I think so; it is open at any time afterwards for the people at the meetings to resolve upon any instructions of the valuer to give up a portion of the lands for public purposes. But there is one point to which I wish to draw the attention of the Committee, and that is, that under the Act any land allotted to public purposes for allotment gardens must be vested in the churchwardens and overseers, and that they, under the Act, are bound to charge an agricultural rent.

468. That would apply to the 19 acres?—Yes, and to the nine acres at Ferry; the Ferry people have never had these gardens.

469. What I wish to see is, in what position the Committee will be placed; if we were to take such an undertaking from the lord now, is there anybody except the lord who can dispute the undertaking with regard to the cottagers; and if there is nobody but the lord who can dispute it, is there any reason why the Provisional Order need be altered?—I cannot see it.

470. Mr. *Shaw Lefevre*.] This Provisional Order specifies certain plots, all of which are now let to the poor; the proposal is that the poor should continue to have

have all these, and also 19 acres in addition; surely it would be necessary to modify this Provisional Order in order that the 19 acres over and above shall be allotted to the poor; the total amount will be 48 acres, of which 29 will be those now allotted by the lord of the manor, and 19 will be fresh land; the intention of the Provisional Order was to secure to the poor of Scotton no more than 19 acres, of which the greater portion consists of allotments which are already given to them?—Yes.

Mr. G. P. Leach.
22 April 1879.

471. The effect of the proposal of the last witness is to give to the poor the 29 acres they have hitherto enjoyed, and 19 in addition. Now will you tell me how that proposition can be carried out without a modification of the Provisional Order?—I think it might be done if Mr. Carnochan were to undertake that the additional land should be vested in trustees; it must not be vested in the churchwardens and overseers, because, of course, they would be obliged to let it at a high rent.

472. His proposition is that the land which the labouring poor have hitherto enjoyed should be enjoyed in the future at the same rent, and if that land is enjoyed in the future at the same rent, and the lord of the manor is ready to vest it in trustees to let it at the existing rents, that land may be said to be outside the award. Then there are 19 acres besides, and those include the plots I have already dealt with, and that appears to me to render it necessary that there should be a modification of the Provisional Order?—If the destination of any part of the 19 acres is altered, there must be an alteration in the Provisional Order.

473. The last witness informed the Committee that the proposal which he has now made on the part of the lord of the manor in respect of those plots of land already let to the poor, is that which he has always wished should be carried out, and which he proposed to carry out, but that you saw legal difficulties in giving effect to it; will you state to the Committee what passed between you on that point?—My recollection of it was that they said that the lord of the manor would be quite willing, and would always continue, to give the allotments in the same way as he had done previously at the low rents, but I stated then that such an arrangement would be dependent only upon his will, and that either he or his successor might alter their minds, and that the Select Committee had last year said that no allowance was in any case to be made for gardens which were let by the lord of the manor or by landowners, and which were dependent upon their will in taking the allotments into consideration.

474. *Chairman* (to Mr. *Oldman*).] What do you say to that?—Assuming the difficulty is so great as Mr. Leach has suggested, I have another proposition to make on behalf of the lord of the manor, which I think will meet the difficulty; that is, that the lord of the manor shall undertake to leave the Provisional Order as it is, and that he shall undertake to secure for the use of the labouring poor of the parish of Scotton and East Ferry an equivalent of his own land, about which there is no dispute, in place of that about which there is said to be a dispute; in other words, assuming the land in dispute to be 26 acres, 3 roods, 30 perches, not including the encroachments, that he should undertake to the Committee to secure 26 acres 3 roods 30 perches of his own land in some other part of the parish of Scotton for this special purpose.

475. That would be outside the Order altogether?—I would just point out, with regard to the difficulty which Mr. Leach seems to think exists, that supposing it were necessary to alter the Provisional Order at all, it struck me that, inasmuch as the only person who objects to the title of the lord of the manor to these pieces of land is Mr. Wiglesworth, and inasmuch as I assume the ground of his objection, notice of which has been given to the Commissioners, is the ground which the Committee will have to decide upon, it seems to me that in dealing with the Provisional Order they will have only to deal with one person, that is, Mr. Wiglesworth himself, and that, therefore, the necessity for sending the case down for consideration by the commoners would not arise; but if the Committee would consider the modified proposal I have just suggested, that would be outside the Provisional Order altogether.

Mr. *Leach*.] The question was raised last year.

Mr. *Oldman*.] The effect of my modification would be that the claim to the land marked pink would be dealt with afterwards by the assessor, and in the meantime the poor of Scotton would have land granted to them equal to the amount of the land in dispute in addition to the 19 acres given by the statute.

Mr. *G. P. Leach*.

22 April 1879.

476. Mr. *Shaw Lefevre* (to Mr. *Oldman*).] As I understand, the land proposed to be set aside for gardens under the Provisional Order must be vested in trustees, and they must charge for it an ordinary agricultural rent?—That would apply to the 19 acres.

477. Mr. *Pell*.] Would the effect of your proposal be this, that these pieces of land numbered so-and-so, and set forth in the Provisional Order as the pieces of ground which are to be garden ground, would cease to be garden ground?—It is so.

478. If that is so, surely you must begin the whole thing again?—They would cease to be garden pieces unless the lord of the manor were shown to be the owner of them; if he were shown to be the owner of them, they would form a portion of the ground he now proposes to set aside for the poor, but if he were shown not to be the owner of them, they would be thrown into the common and the poor would not receive these particular pieces, but would receive some other pieces.

Wednesday, 23rd April 1879.

MEMBERS PRESENT:

Sir Walter Barttelot.
Lord Edmond Fitzmaurice.
Mr. Leveson Gower.
Sir William Vernon Harcourt.

Mr. Shaw Lefevre.
Mr. Pell.
Mr. Spencer Walpole.
Mr. Arthur Walsh.

THE RIGHT HONOURABLE SPENCER WALPOLE, IN THE CHAIR.

INCLOSURE OF SCOTTON COMMON.

Mr. Thomas Hugh Oldman, re-called ; and further Examined.

479. *Sir Walter Barttelot.*] WHY was it arranged that no part of the common could be regulated?—Do you mean at the meeting of March 1877? *Mr. T. H. Oldman.*
23 April 1879.

480. Why was not it proposed at the last meeting in 1878 to regulate any portion of that common?—At the first meeting?

481. At the meeting when the Commissioner came there; the last meeting?—The first inclosure meeting?

482. Yes?—I really cannot say.

483. Is there any portion of the common that could be regulated with advantage to the public?—I believe not.

484. With reference to that sandy hill, would there be any advantage in separating that from the rest of the common, and regulating it?—Certainly not; it would be impossible to regulate that, because it is not pasture land.

485. Nothing could be done to make it of any advantage if it were regulated?—Certainly not, but it could be made of great advantage if it were inclosed.

486. In what way would it be made of great advantage?—A considerable portion of it is capable of improvement by claying; a greater part of it is sand which could be improved by claying, and a certain portion, a considerable portion of it, at the present moment is good fair arable land.

487. How much of it is arable land at present?—About 90 acres, I should say.

488. Could that portion of it which it would not be profitable to clay and to make into fair arable land be planted; would it grow fir trees?—A certain portion of it I think would.

489. And the rest is that blowey sand, which is fit for nothing?—Exactly.

490. It would really be putting the proprietors to a useless expense to attempt to regulate that portion of the common?—I have no hesitation in saying that it is impossible to regulate it.

491. And if you did regulate it, it would be of no use whatever to the general public?—None whatever.

492. *Sir William Vernon Harcourt.*] Are you favourable generally to the regulation of commons?—Yes.

493. Will you state on what grounds you advocate the regulation of commons?—Where the pasture is such as one can reasonably expect it to be used for the ordinary purposes of stocking, that is to say, according to the ordinary mode of stocking beasts and sheep in the Midland Counties, I have no doubt that a common of pasture, well regulated, is a better arrangement for stocking than the ordinary arrangement of inclosures, assuming, of course, that the regulations are such as will leave no doubt as to the separate rights of the parties which would be dealt with under the clauses of the Inclosure Act. I think that the ordinary difficulties in the Midland Counties,

Mr. T. H. Oldman.

23 April 1879.

where the inclosures are for the most part small, relating to the maintenance of fences, and also with reference to the drainage, are two important items which should be got rid of by regulation. Of course that is always assuming that the land itself is good pasture to begin with, because otherwise, as I have already stated, the result of regulation would not be worth the expense.

494. You confine your preference for regulation to the Midland Counties, do you?—Simply because, as far as my experience goes, I think the inclosures in the Midland Counties are smaller than they are for the most part in the other parts of England.

495. And whenever inclosures are large you would be against regulation?—Yes, because for the reasons I have stated, drainage and fences, which are the two main items of repair in pasture lands, would not come into the estimate.

496. How do you mean come into the estimate?—The estimate a tenant would make of his liabilities before he took grass land to graze.

497. I do not quite understand your answer?—What I mean is this. I am in favour of regulation of good pasture, because I believe the two main items of expense and repair, namely, fences and drains, are got rid of, and therefore, if you can ascertain, as you can no doubt by the Inclosure Acts, the rights of the parties as to the stray of the cattle, you will probably have a more beneficial result, and a cheaper result so far as the tenancy goes, than you would in case of inclosures, particularly if the inclosures are small. It is manifest; because if an inclosure is small the repairs in the case of fences and drains are greater than they would be if the inclosures are large.

498. That seems to me to go entirely against what you are saying; if the expenses are proportionately larger in small inclosures for fences and drainage?—Therefore an open common is preferable to small inclosures where there are no fences or drains.

499. I understand in the regulation of commons you would have drainage?—Certainly, but instead of each man having to keep his own drains in order round the inclosures, you would have comparatively speaking a small liability in respect of the general drainage of the whole common. That is my opinion. I have very little experience of the regulation of commons I must confess.

500. I am afraid there has not been much experience, has there, since Mr. Cross's Act was passed; have any commons been regulated at all by the Inclosure Commissioners since the late Act has been passed?—No, I think not.

501. I imagine the interest of the proprietors is always adverse to regulation, is it not?—A proprietor would much rather have the whole thing to himself than have it regulated for the public, would not he?—It depends on local circumstances.

502. Local circumstances I should think would always induce the proprietor to desire to have the whole thing to himself rather than to have it regulated for other people?—I do not know that that necessarily follows.

503. Do you think that in the Midland Counties, at all events, the proprietors would prefer having it regulated for other people rather than to have it all to themselves?—I understand your question to apply entirely to the abstract principle of regulation as against inclosure.

504. Yes, you may call it an abstract principle if you like, but it is a practical matter, whether the common is to be dealt with at all for the advantage of the public, or whether it is to be dealt with as in the question which is put to you, exclusively for the benefit of the proprietor?—The only way I can answer that question is by referring you to the answers I have already given with reference to this particular common. All these depend upon their own local circumstances I take it. So far as my experience goes, which is certainly limited, except from what I have read of reports of inclosures, I should imagine that the advantage or disadvantage of an inclosure would depend entirely on the local circumstances of each case.

505. And in the local circumstances of this case you think it would be better the inclosure should be placed at the disposal of the proprietors, rather than any portion of it should be regulated for the advantage of the public?—I have no doubt about it.

506. Mr. Shaw Lefevre.] Do you know by whom this plan of the common was made?—Do you mean without reference to the colouring?

507. Including the colouring and the valuation?—I can explain this plan. This plan was originally made by a surveyor who was appointed on the part of Sir Richard Frederick, the then lord of the manor, and the owner of the

greatest

greatest extent of the parish of Scotton, and also Captain Fellowes, whose name I have mentioned, who was the owner of another considerable portion of the parish. This was made in the year 1875, and was made co-extensive with a plan of the whole parish, which I already have, of the different inclosures. Well, then, the colouring refers to a valuation which was made of the different pieces of land in the common. This valuation was made for purposes connected with the two estates of Captain Fellowes and Sir Richard Frederick. I do not know where this plan came from, but as far as I understand it this has not come before the Committee in any way in any evidence which has been given; I mean as regards the colouring.

508. Are you aware that that plan was made?—Perfectly; I know all about it.

509. Coupled with the valuation?—Yes.

510. Are you aware that the 500 acres in the centre, namely, that coloured green, was valued at 4 *l.* an acre?—I can tell you by reference. If Mr. Leach's figures are taken from my valuation, that is so.

511. Did you hear Mr. Leach inform the Committee that that 500 acres could not be made available for arable purposes?—I did not hear him say so; but I am told he did say so.

512. Do you not agree with him?—I do not.

513. And although it is valued only at 4 *l.* an acre, you think it might be converted for arable purposes?—The greater portion of it certainly.

514. How much?—I really should not like to say how much.

515. Is not the whole of that land the same quality?—Certainly not.

516. Has it not been valued all at the same value?—It may have been averaged throughout at the same value; but it certainly is not of the same value throughout. Some of it is of no value whatever at present.

517. That plan appears to have been framed in such a manner as to describe very carefully over the whole common those portions which are of different value?—No doubt.

518. Varying from 5 *l.* to 8 *l.* and 10 *l.*, and going up to 20 *l.* and 40 *l.* an acre?—Yes.

519. Will you undertake to say that the whole of that land is not of the same quality and equally unfit for arable purposes?—Before I answer that question, may I be allowed to explain what the 4 *l.* an acre represents in the valuation. As I said before, the valuation was made for a special purpose; not for the purposes of this Provisional Order, and therefore the valuation of that warren was made as a warren. Then I repeat that the land, 500 acres of warren, certainly does vary considerably in value; that there is a certain portion of land which lies down here; then there is a lower part here which can be subjected to the process of warping which will be immensely improved in value.

520. That is not included in the 500 acres?—Yes, some portion of it.

521. It must be a small portion?—I am not prepared to say.

522. If the whole value of the land is taken at 4 *l.*, as compared with 20 *l.* for the adjoining piece, which is suitable for warping, surely the amount of that coloured green, which is suitable for warping, must be a very small amount?—I am not a practical valuer. Perhaps the Committee will allow me to suggest they should call some gentleman more acquainted with it than I am.

523. You cannot distinguish between that portion of the land which is suitable for arable purposes in this 500 acres and that which is not?—Not on this plan.

524. Mr. Pell.] When you valued that at 4 *l.* an acre, was it with a view of converting it into a rabbit warren?—It was with a view of retaining it as a rabbit warren so that the owner thereof might do as he pleased with it; that is to say, throughout the whole of these proceedings, the claimant to the warren has been treated as separate and distinct from all other claimants under the Inclosure.

525. Is there a warren there now?—Yes, there is a warren there now. There is a dispute as to the ownership of that warren. That dispute is specially reserved in the Provisional Order, and when this valuation was made it was made upon the assumption that that warren would be retained as separate and distinct from the other parts of the common.

526. Mr. Shaw Lefevre.] That was the intention of retaining it?—No doubt. At the time the valuation was made it was treated as a warren.

527. Is it really fit for anything else than a warren?—Certainly, some portions of it.

Mr. *T. H. Oldman*. 528. Mr. *Pell*.] But then these animals would devastate the country?—Not if it were properly inclosed. There is no reason why they should not get rid of the rabbits.

23 April 1879.

529. I can understand they do not go from there now. The gardens are close to this land, are they not?—The inclosure would be made as it is at a common adjoining, where there is a very extensive rabbit warren, but the inclosures around, as far as I know, do not suffer in the least.

Mr. *Edmund Pooley*, called in ; and Examined.

Mr. *E. Pooley*. 530. *Chairman*.] I BELIEVE you are a Solicitor, and your office is at 6, Sloane-street?—Yes.

531. For whom do you appear?—For Mr. Gravenor Roadley, Mr. Charles Wigglesworth, and Mr. Thomas Butler. Mr. Butler is interested with Mr. Roadley in one common right.

532. First, we will take Mr. Roadley's objections?—Mr. Gravenor Roadley claims as lord of the manor of Scotter, which we say is a superior manor and over that of Scotton, and, therefore, Mr. Roadley claims as lord paramount of the sub or inferior manor of Scotton, and as such he claims rights of shooting and fishing, and the minerals in the soil of the common and the waste lands of the parish.

533. How far do you think those rights are interfered with by this Provisional Order, assuming you are right in the paramount claim?—I would rather that Mr. Edward Peacock, who is an expert, and Mr. Stuart Moore, who is also an expert, should speak as to the extent of those rights.

534. I think we heard yesterday that all the legal rights of these claimants, whatever they may be, have been preserved by the Provisional Order?—They are reserved to a certain extent, but it is not as full a reservation as I should wish to have. It only says, "Whereas there are certain matters in dispute between Mr. Gravenor Roadley," and so on. There is no mention whatever made of Charles Wigglesworth's claims to common rights.

535. I will deal with Roadley's case first of all. There is a reservation that, "Whereas part of the lands, the subject of this application, known as 'The Warren,' and other parts thereof, numbered 25, 26, 27, 28, 29, 30, 31, 32, 40, and 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, and 54, on the said plan, are respectively claimed as freehold and private property, not subject to the rights of common by the said Thomas Harsley Carnochan, and another part thereof, known as 'The Forty Foot South,' is so claimed by Captain Arthur Fellowes ; and another part thereof known as the 'Forty Foot North,' is so claimed by the said Gravenor Roadley, and the said Thomas Harsley Carnochan, Arthur Fellowes, and Gravenor Roadley respectively, have consented that the said lands shall respectively be included in this Order, subject and without prejudice to any claims which the said Thomas Harsley Carnochan, Arthur Fellowes and Gravenor Roadley may respectively make and substantiate, either in the subsequent proceedings under this Order, or otherwise, as they or either of them may think proper as to the said lands respectively being their absolute freehold, and not part of the land subject to be inclosed under this Order." Is not that a reservation of their rights?—I say on behalf of Mr. Roadley that he signed the consent to the inclosure without prejudice to any of his rights, and that the reservation is incomplete.

536. And they are quite reserved now?—If we have to bring an action, or to sue as to these rights afterwards, it will put us to a great deal of expense, and we would rather they were adjusted previously before the Committee than to have the trouble and worry of bringing the matter into court afterwards.

537. As to Mr. Wigglesworth, what are his objections?—The only objection Mr. Wigglesworth has is as to the 500 acres and certain other lands which Mr. Carnochan claims to inclose in his own right. We say he only has a right to free warren over the 500 acres.

538. Sir *William Vernon Harcourt*.] Was this objection raised before the Assistant Commissioner?—It was raised before him, only we said that we signed the inclosure without prejudice.

Mr. *George Pemberton Leach*, re-called ; and further Examined.

Mr. *G. P. Leach*.

23 April 1879.

Mr. *Leach*.] The objection was not raised on the part of Mr. Wiglesworth, but it was stated that the warren was part of the common, and that Mr. Carnochan claimed it as his own freehold. The Provisional Order was framed so as to leave the question open.

Mr. *Pooley*.] I do not think from this clause that it does leave the question open. It leaves Mr. Wiglesworth entirely out in the cold.

539. *Chairman* (to Mr. *Leach*).] Where is the reservation of Mr. Wiglesworth's claim?—Mr. Wiglesworth can only claim as a commoner, and he is interested, as all the other commoners, in the warren if it should prove to be part of the common.

540. He has no freehold claim?—No freehold claim.

541. Sir *William Vernon Harcourt*.] Where is the reservation of this question?—All the lands are treated as included in the Provisional Order, but with a view of reserving the rights of any person to establish their title to any part of the lands included in the Provisional Order being freehold there is this reservation put in.

542. You use the expression "being freehold." I do not understand the claim on the part of these objectors is that they have any freehold claim, but that it is common land?—No; Mr. Carnochan claims that it is freehold land; the commoners say that it is part of the common.

543. Where is the reservation on that point?—The recital, first of all, that "part of the land the subject of this application known as 'The Warren,' and other parts thereof numbered 25, 26, 27, 28, 29, 30, 31, 32, 40, and 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, and 54 on the said plan are respectively claimed as freehold and private property not subject to rights of common, by the said Thomas Harsley Carnochan, and another part thereof known as the 'Forty Foot South,' is so claimed by Captain Arthur Fellowes, and another part thereof known as the 'Forty Foot North,' is so claimed by the said Gravenor Roadley and the said Thomas Harsley Carnochan, Arthur Fellowes, and Gravenor Roadley respectively, have consented that the said lands shall respectively be included in this Order, subject, and without prejudice to any claims which the said Thomas Harsley Carnochan, Arthur Fellowes, or Gravenor Roadley may respectively make and substantiate either in the subsequent proceedings under this Order, or otherwise, as they or either of them may think proper, as to the said lands respectively being their absolute freehold, and not part of the lands subject to be inclosed under this Order."

544. That is the reservation of the claims of the freeholders *inter se*, but where is the reservation of the claim of the commoners?—Being included in the Order the land is treated as part of the common.

545. Mr. *Shaw Lefevre*.] If the claimants do not maintain their right it will be dealt with as part of the common?—Yes.

546. Sir *William Vernon Harcourt*.] Your Order treats this land as *prima facie* common subject to the claims that several freeholders have made in respect of it, treating it as freehold?—Yes, that is so. Perhaps I may repeat an explanation which I gave yesterday. A Provisional Order which professes to deal with lands which are not subject to be inclosed is of no force whatever as regards those lands. This reservation contained in the Provisional Order was inserted to meet any objection which might be raised hereafter on the ground that the persons claiming their lands to be freehold had, by signing the Provisional Order, made themselves parties to a document which treated the lands as common.

547. *Chairman* (to Mr. *Pooley*).] Do you represent anybody else?—No. As regards the 500 acres and the free warren of coney, I may mention that in the particulars and conditions of sale under which Mr. Carnochan bought the manor of Scotton, all he bought was a free warren of coney of about 500 acres.

548. Sir *William Vernon Harcourt*.] Do you mean he did not buy the soil?—No; that was all he bought. It will put Mr. Wiglesworth to a great deal of expense in having to fight this claim out afterwards. We gave our consent without prejudice to our rights; we contend that we shall be prejudiced if the Provisional Order is allowed to stand as drawn, and therefore our consent is void, and is not such a consent as is contemplated by the Inclosure Act of 1876.

Mr. G. P. Leach.
23 April 1879.

549. Then do you claim that you are owners of the soil as lords of the manor?
—In one instance we do; that is, in Roadley's case.

550. And that Mr. Carnochan has nothing but the right of free warren, which of course is entirely separate from the soil?—Yes, quite so over the 500 acres.

551. Lord *Edmond Fitzmaurice*.] You mean, in fact, that the manorial rights are the manorial rights of the larger manor, and that the smaller manor simply has the rights of free warren, which at some remote period were granted?—I am not quite sure what our rights would be if we could establish our claim as lord of the manor; but upon that question I should like the Committee to hear the evidence of Mr. Stewart Moore, who is an expert, and of Mr. Edward Pocock, who has also devoted a great portion of his life to antiquarian pursuits; they can prove from the old court rolls of the manor that the manor of Scotton is a sub-manor within that of Scotter.

552. *Chairman*.] Do you want us to go into the legal question, and examine all the court rolls, and to determine this question?—No, I should not wish the Committee to go into all the court rolls.

553. Lord *Edmond Fitzmaurice*.] Your general contention, if I understood it rightly, was that, pending the settlement of these complicated legal questions, the inclosure should not proceed?—Yes, quite so.

554. That is a fair statement of your case?—Yes, and that we gave our consent without prejudice to our rights, and we contend that they will be prejudiced if the inclosure is allowed to go on as it is; and therefore our consent is not such a consent as is contemplated by the Inclosure Act.

555. Sir *William Vernon Harcourt*.] Practically, what will happen; suppose the inclosure goes on, there of course will be an allotment made to the lord with reference to this land; how under this Provisional Order, and to whom, will the allotment be made?—I do not see how it can be made to anyone until the question is decided as to who is lord of the manor.

556. I do not understand how the Provisional Order is to be worked out?—Nor do I see either. I wish to have the whole inclosure adjourned until those questions have been settled.

Mr. *Leach*.] Allow me to explain this question; it is especially provided in the Inclosure Acts that where there is a dispute as to the ownership of the soil, the Provisional Order may with the consent of both claimants specify that the allotment to the lord is to be made to the owner of the soil; the Inclosure Commissioners have no power to decide questions of title, and they make the allotment to the owner of the soil, whoever he may be, leaving the two claimants to fight it out.

557. (To Mr. *Leach*.) I want to know how these two people are set to work to settle that question; here will be an inclosure, there will be an allotment, to use the French phrase, to whomsoever it may concern; how are these gentlemen to begin to fight it out?—If they are willing, they can have the question tried before the valuer in the inclosure proceedings; the legal question will practically be tried by an Assistant Commissioner, who will sit as legal assessor to the valuer, and the valuer will be bound to decide in accordance with his decision; from that decision of the valuer, the parties are at liberty to appeal to a court of law if they please, but in the first instance, they get the cheap and simple method of trying it before the valuer in the inclosure proceedings. That I consider to be a very great advantage to the parties, so that if they please they may have the power of settling their differences in that way instead of going to a court of law, with the power of ultimately appealing to a court of law, if they are not satisfied with the decision of the valuer.

558. Mr. *Pell* (to Mr. *Pooley*).] There is a dispute between two private owners respecting this particular spot of ground, this 500 acres; are not the common holders also interested in this question?—Yes.

559. Your contention is that Mr. Carnochan bought nothing but a right of free warren?—Yes.

560. Having bought that, with whom do you say the right to the soil remained; is it to be allotted to the commoners?—It is part of the common, I think.

561. If it is part of the common, can you explain how the valuer can set out this, all in one lump, to go to whomsoever it may have to go; it would have to be divided among those who got allotments as common holders, or toft holders?

—Quite

—Quite so ; but what Mr. Leach says is that that question can be left open, and decided by the valuer. Mr. G. P. Leach.

23 April 1879.

562. Before the award is made ?—Before the award is made.

Mr. Leach.] There is a difference between the claims to the lordship of the manor and the other claims. The warren and the other lands mentioned are treated as part of the common, and the parties who claim them as their own freehold would have to satisfy the valuer that they are their own freehold.

563. (To Mr. Leach.) Who are the parties who claim them?—Mr. Carnochan claims the warren ; Mr. Roadley claims a piece on the north ; Captain Fellowes claims a piece on the south. They will have to satisfy the valuer in each case that their claims are good, and that they do not form part of the common.

564. And if they cannot do that, what then ?—It will be treated as part of the common, and allotted among the common-right holders.

565. Lord Edmond Fitzmaurice.] That would be without prejudice to their legal rights if they choose to carry them into a higher court ?—Yes, they would have the power of appealing.

566. Sir William Vernon Harcourt.] As I understand, the Assistant Commissioner will have to determine this question first of all, whether it is common, or whether it is freehold ?—Yes, as assessor to the valuer.

567. If he determines that it is common, he will have to determine who is lord of the manor ?—Not necessarily. The claim to the lordship of the manor is quite distinct.

568. I am putting it as distinct ; but assuming him first to determine that it is common, then when the allotment is to be made to the commoner and to the lord, he will have to determine who is the lord who is entitled. Supposing he determines that it is not common but freehold, he will then have to determine among three claimants who is the freeholder ?—Only one person claims each of these separate pieces of land as against the commoners.

569. There is one man who claims all these three pieces of land as against them all. Does not Mr. Carnochan claim to be freeholder of the whole ?—Mr. Carnochan claims the warren.

570. Chairman.] He claims to be lord of the manor of the whole ?—He claims to be lord of the manor, but the rights of the lord of the manor will only be affected so far as regards the allotment of one-sixteenth of the common which is to be allotted to the lord of the manor. If the parties consent to have the question as to who is the owner of the soil tried in the inclosure proceedings they can do so ; if not, the valuer will allot that one-sixteenth to the owner of the soil, without specifying who is such owner, and then the parties will have to decide the question in a court of law.

Mr. Pooley.] I should like the Committee to bear in mind the legal point which I raise as to whether the inclosure can proceed, as Mr. Wigglesworth and Mr. Roadley only signed a consent without prejudice, and we are under the impression that it will prejudice our rights if the inclosure is allowed to proceed until those rights have been settled. I should like to withdraw our consent to the inclosure.

571. Chairman (to Mr. Pooley).] You are entitled to do that. You may be considered an objector ?—Yes, and as not having signed the consent at all.

572. Sir William Vernon Harcourt.] You desire, as far as it is within your legal power, to withdraw the consent ?—Yes, and to undo what we have done.

573. Sir Walter Barttelot.] Then you want to know whether two-thirds in value have agreed to the inclosure ?—Yes.

574. Mr. Shaw Lefevre.] Is your client a commoner as well ?—Yes.

575. How many toftsteads does he hold ?—Wigglesworth holds three toftsteads, and Thomas Butler, I think, one.

576. Is it your contention that if your client withdraws his consent there will not be sufficient consents to enable us to go on ?—Yes.

577. Chairman (to Mr. Leach).] I believe you require two-thirds in value to consent ?—Two-thirds in value.

578. Have you ascertained that the two-thirds in value have consented, excluding the consents of these two ?—Far more than two-thirds have consented, excluding those two, and estimating the proportion of assents, both by the number of

Mr. G. P. Leach.
23 April 1879.

of loftsteads and by the rateable value of the lands in respect of which the rights of common are claimed.

579. Sir *William Vernon Harcourt*.] Supposing the consents of Mr. Roadley and Mr. Wigglesworth, who now desire to withdraw, were substracted, would there be a sufficient amount of consent?—As far as the rights of commoners is concerned there would be far more. There would be the consent of 70 out of 88. As to Mr. Roadley, he claims to be owner of the soil, and the consent of the owners of the soil is necessary to the Provisional Order.

580. Will you refer us to the clause in the statute which requires the consent of the owner of the soil?—It is the 29th section of the Act of 1854: “Provided always, and be it enacted, that when the land to which such application shall relate shall be the waste of any manor or land within any manor to the soil of which the lord of such manor shall be entitled in right of his manor, then unless there shall be more than one person interested in such manor according to the definition of this Act, the Commissioners shall not proceed to an inclosure on such application, or certify in their annual general report the expediency thereof, unless the person interested in the land subject to be inclosed as aforesaid in right of such manor, or his substitute under this Act, shall consent to such inclosure; and where there shall be more than one person interested in such manor, the Commissioners shall not proceed to such an inclosure, or certify as aforesaid the expediency thereof, in case such persons, or the majority of such persons in respect of interest, shall signify their dissent within the time limited by the Commissioners.” The latter part of the section applies only to the case where there are several persons interested, where the lordship of the manor is vested in several persons; but it is also provided that where there are two claimants the Commissioners may, with consent of both, make the allotment to the owner of the soil.

581. Where is that provided?—That is the 1st section of the second Amendment Act, the 10th & 11th Vict. c. 111; “Where an action, suit, or difference shall be pending concerning the title to any manor, land, or right, or to an estate or interest therein of which the actual owner would under the definitions of the said Act be (in respect of such manor, land, or right) the person interested in land concerning which any application or proceeding may be made or be pending under the said Act, the consent of both persons between whom such action, suit, or difference may be pending to any application, inclosure, or other proceeding under the said Act, shall be as effectual as the consent of the actual owner of the manor, land, or right, or of such estate or interest therein would have been in case no action, suit, or difference had been pending.”

582. There is no action here that does not apply?—No, but there is a difference. According to the evidence before me no acknowledgment has been paid by the lord of the manor of Scotton for the last 200 years to the lord of the manor of Scotter. The lord of the manor of Scotter has produced no evidence at all to support his claim, and the lord of the manor of Scotter himself served for many years upon the jury of the manor of Scotton. If it were referred to me by the Inclosure Commissioners I should recommend them to proceed with the inclosure on the consent of the lord of the manor of Scotton, and to leave the lord of the manor of Scotter to take such proceedings in courts of law to set the inclosure proceedings aside as he might be advised.

583. What was the evidence that was given to you that the manor was in the lord of the manor of Scotton. We have a document which professes to show that he only bought the free warren?—That is an entirely different question. The lordship of the manor and the free warren are different questions.

584. What was the evidence given to you to show that Mr. Carnochan had got the soil of this manor, and was lord of the manor?—The court rolls were produced.

Mr. Pooley.] We have our court rolls too.

Mr. Leach.] And there was the statement of the steward that the court rolls were in his possession for the last 200 years, and no claim had ever been made by the lord of the manor until the last few years.

585. Mr. Pell (to Mr. Leach).] Did not Mr. Roadley act as foreman of the jury?—Yes, for 12 years; from about 1847, I think, he was foreman of the jury.

586. The gentleman who asserted that he was lord paramount consented to sit

sit as foreman of the jury in the other manor?—Yes; I think it would be a fair presumption against his right as superior lord if he sat as foreman of the jury for so long without having any acknowledgment of his own right.

Mr. G. P. Leach.

23 April 1879.

Mr. Pooley.] He sat there as being the owner of land in the parish of Scotton. It was quite distinct from all rights of common. He merely sat as foreman of the jury, which he was entitled to do as owning land in Scotton.

587. Chairman (to Mr. Pooley).] Owning lands which gave him commonable rights I suppose?—No, I do not think that was so.

588. Mr. Pell.] This court was held with a view to assessing the rent to be put upon certain garden lands that were inclosed?—I do not know anything about the court of Scotton.

589. We have that in evidence. You are acquainted with the custom of the manor; to whom would a quit-rent be paid where there is a lord paramount over a sub-manor? Where a person claims to be lord paramount would the quit-rent be paid to the lord paramount or to the lord of the sub-manor?—I do not quite know how that would be.

590. You do not know much about what your client's claims are then?—No. As regards those questions of sub-manor, and how my client claims, I have the evidence of Mr. Edward Peacock and Mr. Stuart Moore, who have searched the old court rolls, and who can establish his claim.

591. That search has never eventuated in your client obtaining twopence hitherto?—No, my client has slept over his rights.

592. Mr. Shaw Lefevre.] Would your client rather that portion of the common, the 500 acres, was left as it is, uninclosed?—No, upon that he has not any choice whatever. His whole object is that Mr. Carnochan shall not be allowed to claim it in his own right and so injure all the common-right holders.

593. Would he be content if that portion of the common were regulated instead of inclosed?—Yes, I think so; anything rather than that Mr. Carnochan should have it.

594. Who actually exercised the right of warren in that part of the common?—Mr. Carnochan; but he has only had it for three years. He has bought it under a recent sale.

595. You deny that right?—Oh, no, not the right of free warren, but the right in the soil.

596. Lord Edmond Fitzmaurice.] You say that is part of the common?—Yes.

597. Mr. Shaw Lefevre.] If matters were left as they are Mr. Carnochan would continue to exercise the right of free warren there?—Yes.

598. The lordship would remain uncertain?—Yes, uncertain until it has been settled by law.

599. Mr. Leveson Gower.] I do not quite understand why the consents were first given and then withdrawn?—The consents were given, because Mr. Leach, the Assistant Commissioner, who went down, asked Mr. Roadley to give his consent, and after a great deal of trouble, and after Mr. Roadley had made a great many objections, he at last consented to give his consent only expressly without prejudice to his rights. Mr. Roadley does not want to have a long suit over this, and as the matter has not been settled before the inclosure we now wish to withdraw our consent, and postpone the inclosure until our rights have been settled or compromised for.

600. Then the objection was not to the inclosure, but to the danger of having your rights prejudiced?—Yes, quite so.

601. Sir William Vernon Harcourt (to Mr. Leach).] Supposing Mr. Roadley had not consented originally, but had maintained his refusal before the Provisional Order, what course should you then have taken?—If I believed that Mr. Roadley had any *bonâ fide* claim, I should have recommended the Inclosure Commissioners not to issue the Provisional Order until the difficulty between the two claimants had been settled.

Mr. Pooley.] That is all I ask for. (Mr. Leach.) But in this particular case I should have considered that Mr. Roadley's claim was shadowy, and that the fair course to all parties would be that a person, claiming to be, and stating that he is, lord of the manor without adducing any proof, and refusing to produce any proof, should not stop the inclosure or stop dealing with the land, but that the onus should be thrown upon him of proving his case.

602. Mr. Leach.] Wherever you considered that there was a *bonâ fide* claim
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Mr. G. P. Leach.
23 April 1879.

and dispute with reference to the ownership of the soil, with reference to the manorial rights in a manor, you would not proceed until it was settled?—Certainly not, except with the consent of both parties. Perhaps I may, in justice to myself, explain the reference to my obtaining Mr. Roadley's consent. When I attended the meeting to obtain the consents to the Provisional Order, Mr. Roadley stated that he objected mainly on the ground that the person to carry out the inclosure would be the valuer, who, in all probability, would be a nominee of Mr. Carnochan's. He did not feel disposed to trust his rights to such a tribunal. I explained to him that the decision of the valuer would be merely a nominal one; that the decision would practically be that of the Assistant Commissioner; and Mr. Roadley said then, if the matter was to be decided at the hands of the Commissioners, he should be perfectly willing to leave it in their hands. I said, after the meeting was over, "If those are your views had not you better give your consent to the inclosure?" He said, "Certainly, I will;" and he did so. I put no pressure upon him further than that. There was no reservation as to his signing without prejudice, or anything of that sort.

603. Mr. *Shaw Lefevre*.] If Mr. Roadley's contention be correct, this 500 acres could not be inclosed under this Provisional Order; it would not finally be inclosed, and it would remain a separate manor, would it not?—That is hardly so; I think the question of the ownership of the soil would not affect the 500 acres at all. This 500 acres, as I understand it, at present stands upon an entirely different footing. Mr. Carnochan received a conveyance of free warren on 500 acres. It is a question whether such a conveyance would pass the ownership of the soil, or merely the franchise of free warren. It would depend upon the terms of the conveyance.

604. If this gentleman's contention be right, then there is a sub-manor in respect of which his client is lord of the manor, and that manor would survive notwithstanding this inclosure; and if his claim is correct, there would, practically, be no inclosure of that sub-manor at all?—If his contention is right, assuming that his being the superior lord gives him the ownership of the soil. That is a point which is also very doubtful. Mr. Roadley may be superior lord, and at the same time have no ownership in the soil.

605. Sir *William Vernon Harcourt*.] Unless I am very wrong, is it not of the very essence of free warren that it is a right exercisable on the lands of others?—It is a matter which was very much discussed in a recent case in the Court of Chancery with reference to a manor not very far from Scotton, in the case of *Lord Beauchamp v. Wynne*, whether the words "free warren" passed the soil, or whether they merely conferred the franchise.

606. Do not you know that the right of free warren is a right which is exercisable over the lands of others; that that is the very essence of it?—Undoubtedly. It may be that the land was so conveyed. As to that I express no opinion.

607. How can a word which gives a right over the lands of others pass the land; I do not understand how that can be?—It may be that the land was described by the term "all that warren." It is a matter of extreme legal nicety, and it would be impossible to express any opinion without having all the evidence as to whether Mr. Carnochan has the freehold or merely a franchise. If he has merely a franchise, the lord of the manor would be owner of the soil.

608. Lord *Edmond Fitzmaurice*.] Does Mr. Roadley also assert that this land, which comes within the definition of a warren, is part of the other manor; the larger manor of Scotter, as distinct from Scotton?—No, it is all part of the manor of Scotton. Whatever rights he would have over it would be simply as lord of the manor of Scotter, if there are such rights.

609. Then it does not come within the manor of Scotter. Scotton is claimed to be a sub-manor of Scotter?—Yes, he would be lord of the manor of Scotton; but he would not necessarily become the owner of the soil of the warren. It would be entirely a separate question, and it might be that that was a freehold and not part of the waste of the manor.

610. Mr. *Shaw Lefevre* (to Mr. *Pooley*).] Supposing it to be part of the waste of the manor and not freehold, it is on that assumption your claim is based that it is part of the manor?—Yes.

Mr. *Leach*.] Assuming it to be waste of the manor of Scotton, and assuming Mr. Roadley to make out his claim to be owner of the soil of the manor of Scotton, the ownership of the soil in the warren would belong to Mr. Roadley.

611. Mr. Pell (to Mr. Leach).] Can you set out an allotment for the right of free warren separately from an allotment for the soil over which the right of free warren extends?—Yes, if Mr. Carnochan were to make out his claim only to the free franchise of free warren, he would be entitled to an allotment in respect of that.

612. *Chairman.*] That right is reserved?—That right is reserved.

613. Mr. Pell.] You would probably do this theoretically even if you did not set it out on the map; there would be an allotment for the free warren, and another allotment for the soil over which the right of free warren goes, and then you might leave it to the conflicting parties to settle in a court of law?—If Mr. Carnochan were to make out his title to the ownership of the soil of the warren, the whole would belong absolutely to him; it would be his own freehold. If it were proved to be part of the common the valuer would make an allotment to him in respect of the franchise of free warren which he has over that land, and the remainder of it would be divided among the other common holders.

Mr. Pooley.] Then we shall have to withdraw our consent, which I apprehend we can do. Mr. Leach has just told you that if he thought there was any really *bond fide* claim by Mr. Roadley, he would have recommended that that question should be settled before the inclosure were proceeded with, and I say upon that, why should we be bound by any opinion of Mr. Leach's? We can prove our claim. It would seem hard that the inclosure should go on just because Mr. Leach fancies, without having seen our rolls and our evidence, that we have not got a proper claim. We can prove that we have, and it is a question entirely of proof.

614. *Chairman* (to Mr. Pooley).] Do I understand you to say that having given the consent, you gave it under a misapprehension so far, that you say the force of that consent is not binding on Mr. Roadley?—Quite so.

615. And having, under a misapprehension, given that consent, you wish to know whether you are at liberty, or rather you contend before us that you are at liberty, to withdraw your consent upon the grounds which you have given?—Quite so.

Mr. Leach.] Perhaps I may remind the Committee of what I stated yesterday; that soon after I held the first meeting I requested Mr. Oldman to obtain the grounds upon which Mr. Roadley based his claim. At that time Mr. Roadley had appointed Mr. Oldman, his attorney, to act for him for all purposes of the Act, and Mr. Oldman signed the consent to the application on Mr. Roadley's behalf. Subsequently Mr. Roadley expressed his intention of dissenting from the application, and the Commissioners wrote to him, on two separate occasions, asking him to state the grounds upon which he based his claim. To those letters he returned no answer whatever; and he stated at the meeting that he had not answered them simply because he did not know on what grounds to base his claim.

Chairman.] In order to make the case perfectly intelligible, as between you two, I wish to say Mr. Oldman at that time was both the solicitor for the promoters of this Bill and also for Mr. Roadley, and therefore Mr. Roadley may have been acting on what he thought was the good advice of Mr. Oldman at that time, but now he has another solicitor and wishes to withdraw from it.

Mr. Oldman.] I am afraid the Committee are under some misapprehension upon this point. Will you allow me to explain? Mr. Roadley's authority to me was given as one of those peculiar persons whom I mentioned yesterday as a legal owner, a purchaser in fact; and his authority was in pursuance of the covenant which I spoke of yesterday in his purchase deed, to which authority was specially attached an intimation to me that he did not consider himself in the least bound by what he was doing, and that he did not wish himself to be prejudiced by what he was doing.

616. Mr. Shaw Lefevre (to Mr. Pooley).] Does Mr. Roadley's claim extend over the whole of the common?—Yes, as lord of the manor; in fact, I dare say if the question was thoroughly gone into we should prove that there is not such a thing as a manor of Scotton at all, and that the manor of Scotter is the only one.

[The Witnesses withdrew.]

Mr. George Tunnicliffe, called in; and Examined.

Mr. G. Tunnicliffe.
23 April 1879.

617. *Chairman.*] WHAT are you by profession?—A Land Agent.
618. Are you land agent to Mrs. Meynell-Ingram?—Yes.
619. Is she an inhabitant of Scotton?—She is not an inhabitant.
620. Has she any property in Scotton?—A little in Scotton.
621. Has she any interest in the inclosure of this common?—She has no interest with regard to the inclosure, except as to a small portion of property in Scotton parish at East Ferry.
622. What is the nature of that interest?—As having an interest in the common in respect of the property.
623. Has she anything to say with regard to her rights in the common as against or for inclosure?—She has no objection to the inclosure; not personally.
624. What is the nature of her objection?—The objection is as to the warping.
625. Lord *Edmond Fitzmaurice.*] She is objecting to the inclosure on the ground of the warping?—Yes.
626. Her objection, then, is to the inclosure as proposed?—With the warping.
627. Her objection is to the inclosure as proposed to be carried out by the Provisional Order?—Exactly.
628. *Chairman.*] Will you state to the Committee what are the reasons and grounds of her objection?—The water from Laughton, which is an adjoining property to Scotton, flows on to Scotton Common, which is a much lower level; and therefore if, in the process of warping, they raise that land to any extent, it back-pounds the water on Mrs. Meynell-Ingram's estate, on which a large sum of money has been expended in warping some years ago.
629. Mr. *Shaw Lefevre.*] I suppose the position is this; that if there is an inclosure the private persons to whom the common, which is fit for warping, is allotted would be able to warp it. There would then be nothing at law to prevent them warping it?—Certainly not.
630. Therefore, practically, Mrs. Meynell-Ingram's objection is an objection to the inclosure, because if no inclosure takes place there could be no warping?—Certainly not.
631. If the inclosure does take place?—If the inclosure takes place with the warping, of course, we shall have an injury done to our property.
632. *Chairman.*] Cannot the warping be conducted in such a manner as not to injure her property?—I think not.
633. Would she have a legal right to restrain anybody from warping the adjoining land so as to injure her property?—I am not aware of it.
634. Sir *Walter Barttelot.*] Her objection is, then, absolutely to the inclosure?—To the inclosure and the warping.
635. Supposing it is inclosed, the riparian proprietors then would have a right to warp, would they not?—Of course they would.
636. And nothing that could be done could prevent them from having that right?—Of course nothing could prevent them having the right, but I do not think but what we should be materially injured if it were done.
637. That may be so, but the question I want to put to you is this: the inclosure having been sanctioned, and people having got their allotments in fee, they would have a right to warp if they pleased?—Of course they would.
638. I do not quite see what your proposal is, unless it is to stop the inclosure?—We should certainly wish to stop the inclosure if it is to back-pound the water upon us which now goes to Scotton Common at a lower level, and relieves us.
639. In fact you would rather that the water should overflow Scotton Common, and leave that in an unhealthy and improper condition, than that any damage should be done to your land?—I cannot see that it is in an unhealthy condition.
640. The water flows over it there?—It does, to a certain extent.
641. And remains there, I presume?—For a certain time.
642. And becomes stagnant?—To a certain extent it does.
643. And the common is absolutely undrained?—It is.
644. Therefore, would it be as healthy as if it were properly drained and

properly

properly cultivated ?—I have never heard any complaint as to the health of the place at all. Mr. G. Tunncliffe.

645. Mr. Pell.] Mrs. Meynell-Ingram's land is warped, I think you say ?—23 April 1879.
It is.

646. If it had not been warped you would not have made any objection to Scotton ?—We should not have had the same objection.

647. Having improved you own land—— ?—We do not want it spoiled.

648. You are living in an artificial state now ; Mrs. Meynell-Ingram's land is in an artificial condition now ?—It was made valuable by a large expenditure of money a few years ago.

649. Scotton is desirous to do the same, and Scotton has natural advantages in respect of levels, which you have not ?—A portion of the common is at a low level.

650. It will be at a higher level directly it is warped, perhaps, by six feet ?—It will be higher ; I could not say exactly what.

651. If Scotton had warped first, and Mrs. Meynell-Ingram's land was unwarped, what would have been your position ?—Probably it would not have been warped at all.

652. Scotton has natural advantages as to warping ; it is better circumstanced for warping than Mrs. Meynell-Ingram's land is ?—No, not much, I think.

653. Evidently, according to your own account, it has the whole of the water, and when it is warped you will be likely to be flooded ?—It will back-pound upon us if the surface of the ground is raised by warping.

654. It has a natural advantage ?—It is a natural advantage to us, the water going down to Scotton Common.

655. But you did not care about it if, as I understand you, till Mrs. Meynell-Ingram's land was warped ; it is in consequence of the improvements effected by her money ; do you object to a similar improvement being carried out in Scotton, because the levels of the land are such that when Scotton land is improved in the way Mrs. Meynell-Ingram's land is improved, Mrs. Meynell-Ingram's land will suffer ?—It will deteriorate.

656. There will have to be extraordinary works done to protect her from the consequences of the natural advantages of level which Scotton has ?—Yes, but we appear here in order that the Committee should know that we should suffer a great deterioration by the water being back-pounded upon us.

657. In consequence, in the first instance, of your having warped your own land ?—Exactly so.

658. *Chairman.*] Is there no provision they can make by means of which the water, instead of being carried on your land, shall be carried to another outlet ?—I do not know of any. I should tell you that we only became aware of this last Monday morning, that anything was going on, and we have not had a full opportunity of going into the matter to see what could be done or what could not.

659. Would it not be the duty of the parties to consider that ; supposing this Provisional Order were to pass, would it not be their duty to consider that in such a manner as not to injure your property ?—I should say so.

660. Legally they would be under that obligation, would they not ?—I think they cannot injure the property without some compensation.

661. Do not you suppose that an injunction by the Court of Chancery would lie against anybody who wanted to throw it all on your land, to do them great injury ?—I think they could not injure us with very great impunity.

662. Sir *Walter Barttelot.*] By warping your ground, did you throw the water over Scotton Common ?—I had nothing to do with it.

663. I mean Mrs. Meynell-Ingram ?—It was done some years ago.

664. Did it or did it not throw it over Scotton Common ?—It always went there, I should say.

665. Then your warping has had no effect upon it ?—Except to relieve us of the water. Of course, being in a lower level, it went on to Scotton Common, and there it stopped.

666. As I understand, in warping, you put up a bank against the river ?—Yes.

667. If your bank is high enough, the water will not come back upon you ?—It will, according to the ground.

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668. Lord

Mr. G. Tannieliffe.
23 April 1879.

668. Lord *Edmond Fitzmaurice*.] It would force its way underneath, would it not?—Yes.

669. Underneath the wall?—Yes.

670. Sir *Walter Barttelot*.] Not if the wall is properly made?—I think you would find it would give.

671. I should like to understand that; never having seen the ground, it is utterly impossible to say; I judge from our own rivers; your bank is a certain height?—Yes.

672. And the bank on the opposite side would be a certain height?—Yes.

673. And a certain distance from the river, would it not?—Exactly so.

674. Then the main body of the water would be carried down the river, would it not?—It would.

675. And you would be between the two banks, Mrs. Meynell-Ingram's on the one side, and the other warping on the other side?—Yes.

Mr. *Oldman*.] I think it would save time if I stated that we have here the engineer of the Court of Sewers within whose jurisdiction this particular drainage lies. It will save time, perhaps, if the Committee ask him these questions.

Mr. *Alfred Atkinson*, called in; and Examined.

Mr. A. Atkinson.

676. *Chairman*.] ARE you a Civil Engineer?—I am.

677. Do you know the nature of the ground that we have been speaking of at Scotton?—I do.

678. It is proposed, as you probably also know, to inclose Scotton Common, and to carry on the process of warping there by way of improving the grounds, and it is alleged on the part of the lady who lives near that, if that process is carried on, it will do her a great deal of injury; is there any process by means of which that warping could be carried on upon the common without doing injury to Mrs. Meynell-Ingram's land?—I think there is.

679. It would not necessarily injure her land, you think?—I do not think so. Mrs. Meynell-Ingram's land now in common with Scotton Common suffers very much from a large influx of upland water; water that comes down from the hills. I have a map of the district here (*producing same*). This shows the district and some of the drains. This is a plan showing the whole of that level which is under the jurisdiction of the Court of Sewers, and the point under discussion (Scotton) lies along here. The portion shown here is the low land within the limit of flood level in the River Trent. Supposing there were no banks of the River Trent, the highest tide in the Trent would flow as far as this line along here (*pointing*). This drain (*pointing*) is the boundary between Scotton Common and Mrs. Meynell-Ingram's property.

680. Mr. *Pell*.] They are both on one side?—They are both on one side of the River Trent. It unfortunately happens that at this point there is a stream, taking its source in the hills, which comes down and discharges in the Trent there, but frequently in the winter time the Trent itself is so much swollen by the flood waters of Derbyshire and Staffordshire that these drains cannot discharge for tides together.

681. There is a head against them?—Yes; at this point (Ravensfleet) some time ago, there was a freshet of more than 10 feet. Unfortunately all this water is coming down the hills and pouring into it, and at present it distributes itself partly on Mrs. Meynell-Ingram's land and partly on this (*pointing*). There is a lot of low unwarped land of Mrs. Meynell-Ingram's there (*pointing*). That has to take and receive the water. The proper way would be to provide a proper water course for that water to be carried into the Trent by a separate outfall, just the same as it is in the case of the next high land stream that comes into the river a little lower down.

682. *Chairman*.] It runs into the river, I suppose?—It runs into the river, but there is an embankment on each side, so that it simply goes into the river.

683. Mr. *Pell*.] You want an elevated channel, in point of fact?—Exactly so.

684. Then both Mrs. Meynell-Ingram and the Scotton Common people might warp to their mutual advantage?—Certainly.

685. The

685. The brook wants to be carried out to an artificial channel?—Yes.

Mr. A. Atkinson.

686. Have your Commissioners any power to order that work to be done and charge an acreage rate for doing it?—In previous cases, where warping operations have been done, they have always been done under the control of the Court of Sewers; that is, before any warping operations can take place, an application is made in the first place to the Court of Sewers to carry them out. Of course it is illegal even to cut through the Trent bank without doing that, and the court always make provision for existing rights of drainage.

23 April 1879.

687. Then the occupants of Scotton, and perhaps of the new allotments in Scotton, and Mrs. Meynell-Ingram, might unite in order to get this necessary work carried out, of providing a proper water-course?—It would facilitate it, I should think. That would probably be the means of having some better mode of carrying off the highland water that now floods both Scotton and Laughton.

688. And that would make an improvement in the neighbourhood?—Yes; the powers of the Court of Sewers are very large indeed, and any warping that is carried on would be done under their jurisdiction. This Inclosure Act would not override their jurisdiction, and they would certainly take care of the existing rights of drainage.

689. Lord *Edmond Fitzmaurice*.] Is not it the case that this question of drainage and of warping has for many years past, in Lincolnshire, been the cause of great difficulty?—It was always a complicated question.

690. Has not it of late years been a question that has given rise, in the county of Lincolnshire, to public meetings, conferences and deputations, and a question which has been found in practice to be extremely difficult to settle?—In some of the other parts of the county it has been very much so.

691. But not in this part?—More with respect to the River Witham and the southern parts of the county.

692. Has not it frequently happened that whenever any attempt has been made to carry out works of the description you mention, jealousies have at once arisen between the highlands of the county and the lowlands of the county?—Yes, I should think that is always the case.

693. And, as a matter of fact, these operations have very frequently been brought to a standstill by the absolute inability of the Court of Sewers to get any agreement amongst the parties interested?—The Court of Sewers has no power to touch the highlands.

694. That is not involved in the question; what I asked was this; as to whether operations of warping and controlling the outfall generally, which came within the sphere of the Court of Sewers, had not been frequently interrupted by the disagreement of the parties interested?—Yes, that is so. Sometimes you find conflicting interests which the court does not care to resolve altogether.

695. And there would be a considerable risk to any landed proprietor who consented, without extreme care, to any operations affecting the course of the river and the outflow of the water, merely on the supposition that his or her interests would at some future date be protected by agreement or by the operations of the Court of Sewers?—No; I scarcely see that there would be any great risk, because the same thing has been carried on in almost every parish between the two points shown on that map, with the exception of this one of Scotton. That is almost the only parish that has not been warped. All other parishes have been warped, and there has been no very serious hitch.

696. Is it not the case that the owners of the lowlands of Lincolnshire a few years ago came to London as a deputation in the hope that the Government of the day would be able to interfere in some way to protect them against the owners of lands higher up?—Yes; that was in a different part of the county. I believe it was because of that deputation that the recent Rivers Conservancy Bill was passed.

697. Are you alluding to a local Act?—No, my Lord, it is a public Act. The Bill that is now under discussion; I mean the Bill introduced this Session.

698. Is not it the case that the water has flowed from time immemorial from Wildesworth over Scotton Common?—I should think it is, and the other way also, from Scotton Common to Wildesworth; in fact, it is just one of those places where the water comes down and finds its level.

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699. You

Mr. A. Atkinson
and
Mr. G. Tunncliffe.
23 April 1879.

699. You stated just now that some of Mrs. Meynell-Ingram's land was good land, irrespective of the warping?—I say some of it is low unwarped land.

700. But still land within her ownership?—Within her ownership.

[Mr. Atkinson withdrew.]

701. Lord *Edmond Fitzmaurice* (to Mr. Tunncliffe).] I wish to ask you some questions about the notices. Mrs. Meynell-Ingram, you state, is a party interested in the inclosure?—Yes.

702. She is one of the parties affected?—Yes.

703. Do you consider that she received proper notice?—I do not consider that she received any notice; I have never heard her speak of it, and I have never seen any.

704. You are aware of the law on the subject with reference to notices?—Yes.

705. You consider that the law has not been properly complied with?—I do, because we never had any notice, or any intimation in any shape.

706. It would have been Mrs. Meynell-Ingram's wish, presumably, to have appeared by her agent or by counsel at the inquiry of the Assistant Commissioner?—I think so, under the circumstances.

707. And she would have objected?—Well, I think she would.

708. In any case, she did not have her opportunity?—No, certainly not.

709. And you were quite unaware of the inquiry before this Committee till a very recent date?—Quite so, until Sunday and Monday; I heard on the two days.

710. Mr. *Leveson Gower*.] Does Mrs. Meynell-Ingram's land join any part of the land proposed to be inclosed?—It does; the lower part of Scotton Common.

711. Mr. *Pell*.] Are you acquainted with what notices Mrs. Meynell-Ingram ought to have received?—I am not acquainted with the form of the notices.

712. Then how can you say she has not had the notices?—Because I believe they would have been handed to me if she had received them.

713. But what notices, under the Act, ought Mrs. Meynell-Ingram to have received that she has not received?—I could not possibly say as to that.

714. Do you know what notices she ought to have received?—I only know that she ought to have received some.

715. Of what nature?—Informing her of the fact that the common was going to be inclosed.

716. I want to ascertain where you get this general knowledge of the notices which Mrs. Meynell-Ingram ought to have received; have you consulted the Act?—No, I have never seen that; but I think as a landowner, and having an interest in the inclosure of that common, she ought to have known something about it. She ought to have been told.

717. That a messenger ought to have come to her?—I do not say that she ought to have been informed by a messenger or anything else. I simply say that as a matter of courtesy she ought to have been informed.

718. As a matter of courtesy, but not in point of law?—And as a matter of law as well.

719. Will you point out what is the legal notice which Mrs. Meynell-Ingram has not received, but which she ought to have received?—Well, I am not a lawyer, you know. I come here to tell you that I do not believe she has had any notice of it at all.

720. The Act of Parliament says that there shall be a public meeting of all persons claiming an interest in the common, "Provided always, that one at least of such public meetings shall be held in the evening, between the hours of 7 and 10 of the clock. The Assistant Commissioner shall give not less than 21 days' notice of his intention to hold the first of such meetings. The notice shall be in such form as the Inclosure Commissioners from time to time direct, state the nature of the application made, the objects of the meeting, that the meeting is a public one, and held for the purpose of enabling the Assistant Commissioners to hear all persons desirous of being heard on the subject matter of the application, whether considered in relation to the benefit of the neighbourhood or to private interests, and the desirability of the attendance of all persons interested

interested in the subject matter of the inquiry." Then notice shall be given in this form: "By affixing a copy thereof on the principal door of the church of the parish in which the common to which the application relates, or the greater part thereof is situate; and by posting copies of the same on or near the common to which it relates, at the post office or post offices of the parish or district in which the common to which the application relates is situate, at any town hall, or vestry hall, or other building or room, the expense of maintaining which is payable out of any local rate, situate in the parish or district, and at all places therein where notices are usually posted; and by advertising in such manner as the Inclosure Commissioners may direct, or otherwise giving notice of the meeting in such manner as they think best calculated to ensure publicity in the locality." Then I think this Committee last year made a sort of bye-law, if I may say so, requiring notices to be put up at the different corners of the common. Have you been to the parish church, or inquired whether the notice was put up in the parish church to begin with?—I never heard that such a thing was going on till last Monday.

Mr. G. Tunncliffe.

23 April 1879.

721. No more did I till I came here?—How could I inquire about a thing that I knew nothing of?

722. *Chairman.*] Was not your objection this, that Mrs. Meynell-Ingram had not personally received notice. That is really what your objection is?—It is.

723. That is not required you see by the Act of Parliament. What was required by the Act of Parliament was, that the notice should be given to everybody in that neighbourhood, by posting notices on the doors of the churches and chapels and town hall, if there is one, and any public place, and all that we have in evidence before us was done. If that was done, you, I suppose, would not think that there has been any neglect in giving the notices?—I could not say there was neglect, because not being a resident in the neighbourhood, but residing far from it, I cannot say that the conditions were not complied with, but still I think that Mrs. Meynell-Ingram was not very fairly treated in the matter by somebody on her part, not having notice either by herself or her agent, because we must consider she had some right in the common.

724. *Lord Edmond Fitzmaurice.*] Have you any representative or any sub-agent, or person of that kind, whose business it is to look after these matters?—No.

725. *Mr. Pell.*] You are a very considerable land agent, no doubt?—Yes.

726. Do you never look at the formal notices given in the county papers about pleuro-pneumonia and highways to be diverted, and so on?—I do not take the Lincoln county paper.

727. *Chairman.*] It must have been in the county paper, I think, or the paper circulating in the district?—I do not see the Lincoln county paper.

728. Have you any further observations you would like to make on behalf of Mrs. Meynell-Ingram?—No, I think not.

729. *Sir Walter Barttelot.*] Of course you attend the Court of Sewers for Mrs. Ingram?—I have not at present attended any meeting. I wish to say that there are two Commissioners here present, who can give evidence if desired.

Mr. Thomas Hugh Oldman, re-called.

730. *Chairman.*] I SHOULD like you to repeat to-day the exact nature of the proposition you made the other day?—I have it in writing.

Mr. T. H. Oldman.

731. Will you read it?—I may state that I have had the opportunity of conferring with Mr. Capron, Sir Richard Wallace's solicitor, in the Orford case, last year, and he informs me that I may use his name as expressing an opinion coinciding with my own, that this can be carried out without touching the Provisional Order. What is proposed is this, "The lord of the manor will undertake (if the Provisional Order is confirmed as drawn) to enter into a deed of covenant, to be produced to the Committee, by which he will covenant with the churchwardens and overseers of Scotton to grant land equivalent in extent to the present garden

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allotments

Mr. T. H. Oldman. allotments to trustees upon trust, to let the same from time to time, at such rents as they may determine, to the labouring poor. The rents to be paid to the lord of the manor. The trustees to be re-appointed from time when reduced to two."

23 April 1879.

732. What do you say about the 19 acres?—We do not propose to deal with that at all.

INCLOSURE OF EAST STAINMORE COMMON.

Mr. James Caird, called in ; and Examined.

Mr. J. Caird.

733. *Chairman.*] You are one of the Inclosure Commissioners?—I am.

734. Did you receive last year an application for the inclosure of the East Stainmore Common?—I think the year before.

735. What proceedings were taken by you upon that?—After considering the thing very fully and carefully we sent an Assistant Commissioner down to examine the whole case, and upon consideration of his Report, we were rather disposed to think that it was a case for regulation altogether, but on intimating that to the parties they strongly remonstrated, and a very strong representation was sent up to us, as stated in our Report, signed by a great many working people in the place, that the inclosure of a part of the lower part of the common would be very beneficial to them as well as to all private interests, and upon that we again sent an Assistant Commissioner down. I had in the meantime myself gone to the locality, as indeed I have done to very many cases which have never come before this Committee at all, but which in consequence of these investigations were entirely stopped. So that great pains, I really may say, have been taken in every case of an application, and this Committee has not been troubled with many cases which would otherwise have come before them. I went over the ground myself to see the nature of the country, and to get an idea as to what proportion of inclosure of part, compared with regulation, we should entertain. I was quite convinced of the great advantage that would arise from regulation of a large portion of it. It is part of the high moors; the backbone of England; which lie between Brough and Darlington. It is on the border of the Yorkshire moors, and in that quarter many thousands of acres remain in an absolute state of nature. It is an immense sponge. There is not a particle of artificial drainage of any kind in the whole of that part of the district, and the temperature of the country is lowered, and, I think, its healthiness is considerably interfered with for the want of this, which might so easily be done. The system of cheap surface drainage, which is quite common in Scotland (in fact, I do not think there is any moor in any part of Scotland that has not already obtained the advantage that this surface drainage gives), I found to my astonishment, in walking over these hills, did not exist anywhere. The country is lying in the same state in which it has been, I suppose, since it was formed, and the consequence is that a very low temperature is caused, with late springs; and I have no hesitation in saying that this is prejudicial to the comfort of the country, prejudicial to its possible increase in fertility, and that the regulation, if it were accompanied by drainage, would be a great general benefit.

736. You mean that the result of your personal investigation of the matter is, that you recommend part should be inclosed and part should be regulated?—They proposed that part should be regulated and part inclosed, and I suggested that a larger portion should be regulated, and a smaller portion inclosed, than they proposed.

737. Then, has a larger part been regulated by the Assistant Commissioner's Report, and included now in the Provisional Order, than they themselves first suggested?—They very much adhered to their first plan, and the consent of the Commissioners was given to that in consequence of the strong representation made by the people themselves. We had the clergymen of the whole neighbourhood; we had the working people assembled at a public meeting

Mr. J. Caird.
23 April 1879.

meeting specially called in the winter time and very largely attended, and I think there was only one objector, and that one objector at the last consented, and signed the application.

738. I see by the Report that it is proposed that 6,386 acres should be regulated, and the residue of 4,075 acres should be inclosed; is that so?—Yes. Perhaps you will allow me to explain the nature of the country. It is occupied by small landholders, some of them farmers and some of them proprietors. The part which is at present cultivated is all the lower part of the country, and I found to my astonishment in walking over it, though they keep a large quantity of very good stock, there is scarcely any agriculture; that is to say, very little ploughed land; but where these little farms of 50 or 60 acres are held, they keep a surprisingly large stock from the extraordinary care with which they manage their grass and their hay. They say that that could be largely extended, and certainly the neighbouring part of the country which they propose to inclose is very much like that now under this operation, and I could see no reason to doubt that there was a possibility of extending the same system upon the greater portion of that which it is proposed to inclose.

739. Then that will be turned into pasture?—That will be turned into pasture with a very small extent of arable indeed. The people are chiefly small dairy farmers, who rear young cattle, and supply with dairy produce the large manufacturing districts; and though this is a considerable distance from them, they have good railway communication, and really make a very good living out of it.

740. Then the character of the land proposed to be regulated is high moorland?—The highest part of it is.

741. And the character of the land proposed to be inclosed is land cultivated?—Land just as it were falling down into the valleys.

742. Well capable of being cultivated?—Not of being agriculturally cultivated, but of being greatly improved for pasture and maintenance of stock. They raise large fences, which are capital shelter in that bare country, and which they can only do when they have a right of property in the soil.

743. Is the neighbourhood a sparsely populated one?—Very sparsely populated, and on the Yorkshire side of the moor there is an application for another 10,000 acres at a place called Arkengarthdale Moor, which we also propose to regulate, and which is, in fact, one of the cases, so far as we are concerned, that we have already approved for regulation.

744. Has that come before us?—It is not quite ready yet. I am only endeavouring to show the great extent of this description of open country there, compared to the sparse population.

745. I see in your Report you say that you propose to allot 40 acres in different parts for recreation ground?—Yes.

746. And I see you state that there does not appear to be much need of garden ground?—No; the habit of these small farmers is this. From the very fact that there is so little land ploughed and cultivated, the number of farm servants is comparatively small, and, generally speaking, they are single men living in the houses of the farmers.

747. Have not they any quantity of land annexed to their cottages?—No; there are very few cottagers.

748. What are they?—The farm labourers chiefly live with the farmer in his house.

749. Then you only, I think, set apart 10 acres of land for the cottagers?—Yes.

750. You think that is sufficient for them as garden ground, do you?—It seems to be thought so; that it is abundance.

751. Then you say 16 acres, in two allotments, are to be set out as public turbary grounds; is that so?—Yes.

752. Then sufficient quarries are to be provided for the repair of the roads and for the use of the allottees under the inclosure upon their lands; is that so?—That is so.

753. And provision is to be made for carriage roads, and so on?—Yes.

754. I do not think I need trouble you with that. Then, in the second paragraph on page 5 of the Report you state very much, I think, what you have stated to us just now as to the application of the inhabitants to you?—Yes; we

Mr. J. Caird.
23 April 1879.

state there what I have already stated to you about the feeling of the people themselves, and you will have evidence of that brought before you.

755. There was one objection you say made to you?—Yes, and that objection has been withdrawn, and subsequently the objector signed his name as consenting.

Mr. Arthur Dickson, called in ; and Examined.

Mr. A. Dickson.

756. *Chairman.*] ARE you one of the Assistant Commissioners?—I am.

757. Did you take care that all the proper notices were served pursuant to the Act of Parliament?—I did.

758. Did you call public meetings to consider the proposals?—They were properly summoned.

759. How many meetings did you hold?—Two in April 1877 ; that is in the morning and in the evening, and two again last December.

760. Were any of those meetings in the evening?—Both times.

761. Two of them were in the evening as well as in the morning?—Yes.

Mr. Crayston Webster, called in ; and Examined.

Mr. C. Webster.

762. *Chairman.*] MAY I ask what profession you belong to?—I am a Land Agent and Surveyor at Kendal.

763. Do you wish to make a statement to the Committee?—Yes.

764. Will you have the goodness to make that statement?—I have been in practice for upwards of 34 years at Kendal. I will read the few remarks I have to make. I have been largely employed upon inclosures in the five Northern Counties, and I have inspected this Stainmore Common, and I think it highly desirable that the part which is applied for should be inclosed.

765. On whose behalf did you inspect the common?—Not on behalf of any landowner at all.

766. On whose behalf?—I have inspected the common, and have known it for upwards of 30 years.

767. Did you inspect the common on behalf of the lord?—I was employed by the solicitor ; not on behalf of any particular landowner that I am aware of, but to give an opinion. I have known the common for upwards of 30 years, and I lately walked round the boundaries of it in order to give an opinion as to the desirability of the inclosure, and as to the line of demarcation between the regulated part and the part to be inclosed, and I think that it could not be improved.

768. I think it would be advisable for you to put in the statement you have before you, and we will have it printed?—Very well. [*The Witness handed in the following Statement :*] “ I have been in practice as a land agent and surveyor at Kendal for 34 years, having been articled to the profession, and resided there since 1838. I have been appointed and acted as Commissioner under the old Inclosure Acts, and valuer under the new, in almost 30 cases of inclosure in Westmorland, Cumberland, Lancashire, Yorkshire, and Northumberland. I hold many land agencies for various owners. I was the writer of the Prize Report on the farming of Westmorland in the journal of the Royal Agricultural Society in 1867, when I ascertained that about 147,000 acres, or 29 per cent. of the area of that county, remained open and uninclosed, comparatively waste. Dealing with the question of the expediency of inclosures generally, I draw a broad line of demarcation between those near the large centres of population and those in the thinly populated and comparatively remote and secluded counties of Westmorland, Cumberland, and the northern part of Yorkshire, where recreation grounds, and open spaces even if specially set apart, would never be used ; and where such few strangers as come are at liberty to roam at will. The population of Westmorland is only 83·20 per square mile, the average of England being 373. I have no pecuniary or other interest in this inclosure, present or prospective. I am precluded from the appointment of valuer, as I am agent for a large landowner and lady of the manor in an adjoining parish, a part of whose property has a claim on Stainmore. There are evils and drawbacks inseparably connected with the occupation of open commons, which can only be thoroughly understood by those actually concerned. It is always found more stock are
turned

turned on than the ground can fairly carry, and this over-stocking leads to a stunted growth in the animals, and consequent loss of production. Equitable enjoyment of rights is impossible, and sheep hounding, with continued quarrels and ill-feeling amongst neighbours, are notoriously rife. No improvement is ever made, and an owner cannot sell his share. 'Regulation' of commons, as provided for by the Commons Act, 1876, may partially mitigate these evils, but cannot cure them, for I have often been called in to inclose thousands of acres of stunted commons, two in this same parish and adjoining this common, where the occupiers were as discontented as though they had been ordinary commons. The only cure, when the cost will be not too heavy, is to inclose. I well know Stainmore Common, the inclosure of which has long been considered most desirable. I understand it is now proposed to inclose the best land, about 4,075 acres, adjoining the ancient tenements, and to stint or regulate the upper portions, about 6,382 acres, which are not considered worth the cost of fencing, into various allotments. The part proposed for inclosure, running for about 750 to 1,500 feet above the sea level, is peculiarly eligible for the purpose, and will handsomely repay judicious outlay on its improvement. The soil mostly is of rich feeding quality, a deep loamy deposit resting on limestone, capable, when improved, of fattening sheep and growing young stock, and probably trebling the quantity, as well as vastly improving the quality, of mutton and wool. This district is also noted for rearing hardy mountain ponies, which are often half starved on the present system, but no doubt the breed would greatly improve after the inclosure. The improvement of this land by draining, liming, boning, and cultivation of suitable parcels, is greatly facilitated by the intersection of the old great North Turnpike Road, and various other hard roads. The fencing off alone of those thoroughfares will be a public benefit, as at present animals stray and lie therein to the danger and inconvenience of the traffic, and in snow, fences would be a guide and protection. Limestone rock, applicable for fencing, building, and burning for land improvement, crops out in profusion along the common, and also some small seams of coal for lime burning. Plantations would also be found valuable for shelter in this exposed district, improving the climate, and ornamenting the landscape. I am strongly of opinion that this inclosure would be eminently beneficial, not only to the landowners, but particularly to the neighbourhood, in affording employment to the poor agricultural population, amongst whom, to my knowledge, there is now much privation from want of work, there being nothing but the land for their maintenance. They often apply to me, as agent for Mrs. Breeks, for employment. I estimate that 10,000 *l.* would be expended in fencing, &c., within the next few years, which would all go to the labourers, shopkeepers, and tradesmen of the district, after which for many years there would be a further outlay in permanent improvements, and a larger supply of labour than at present, as extra buildings would become necessary as the quantity of the stock in every farm became increased. In practice it will be found, in the north at least, that the 5th Section of the Commons Act, 1876, will be a dead letter. The farmer will fear an improvement rate, as he is already overburdened with new rates imposed of late years for school boards, sanitary works, water, &c. Inclosures are a powerful spur to agricultural enterprise and industry. A man will actively set to work to inclose, improve, plant, or build on his own land, self-interest being the strongest motive, but he has little heart for paying a rate for improving common land from which he may be unable to reap any return, and in proportion as he adds to his own wealth he adds to that of the nation. Mere drainage would be of little use without top dressings; practically, that is inapplicable without inclosure. On many commons which I have inclosed I can point to land valued previously at 2 *s.* 6 *d.* per acre, then growing only stunted heather or gorse, now worth 30 *s.* per acre, growing luxuriant crops, and sending large quantities of potatoes, and fat sheep off turnips, to Manchester market. Inclosures also have a beneficial effect in many cases, in a wider distribution of the ownership of land in small quantities. Undivided common rights are not saleable separately from the ancient tenement, but allotments find ready purchasers, for pleasure, improvement, building, &c., and instead of desolate waste, we see new scenes of industry and progress. Stints do not work well in practice; fractions of stints are inconvenient. I once heard the late Mr. Rawlinson tell a commoner he had a right 'for only the head and horns of a sheep.'

The Rev. *James Simpson*, LL.D., called in; and Examined.

Rev. *J. Simpson*,
LL.D.

23 April 1879.

769. *Chairman.*] ARE you the Clergyman of the Parish of East Stainmore?—No, I am a Clergyman in the neighbourhood, Kirby-Stephen.

770. That is an adjoining parish?—Yes.

771. Are you well acquainted with the parish of East Stainmore?—Yes, very well.

772. Have you taken any interest or any part in the proposed regulation and inclosure of East Stainmore Common?—None.

773. Have you known what was going on?—Yes, I heard of it, but I did not attend the meetings.

774. Did you know anything of the feeling of the neighbourhood as to whether they desire the inclosure and the regulation?—Yes, I am quite sure they do, with the exception of one man, but he is contented now.

775. The Committee would like to know about the poorer inhabitants in that parish; do you think that they are desirous of it?—I should think they are. There are only 144 tenements in Stainmore, according to the valuation list; 39 of those are under 10*l.* a year, and only 20 houses are occupied by men who can properly be classed as labouring men, and several of those belong to the class of railway labourers.

776. We were told just now by Mr. Caird that the cottagers chiefly reside with the farmers; is that the case?—The farmers have what are called farm servants in the houses. There are very few farm labourers who reside in cottages at all, and those cottages in Stainmore which are occupied by labourers have generally gardens attached to them.

777. What sized gardens are those?—I should think you might say one-eighth of an acre, on an average.

778. The character of the parish is moorland in the higher parts and pasture land in the lower, I think?—Yes, the farmers very seldom have any ploughed land; they have grass land.

779. They have very little arable land?—Very little arable land.

780. You mentioned just now that one gentleman had opposed, but we have been told he withdrew his opposition; do you know anything about that?—Yes, I know the man very well, and no doubt he would oppose anything that was started, to begin with. He is one of those men who are always in direct opposition to their neighbours; I think I know the man quite well.

781. Who is he?—He is a yeoman.

782. Has he property?—Yes, but I believe he is now willing that it should be done as proposed.

783. The people are in fact in favour both of inclosure and regulation?—I think there is a very strong feeling in our county with regard to having the commons inclosed, because it leads to so much mischief where they are left open as they are now.

784. Is that the reason why you think they prefer inclosure to regulation?—I do not think they quite understand how the regulation would be managed, and there is rather a fear that the majority might possibly oppress the minority as regards regulation. You see they have what are called sheep-heaths, and of course every man desires to get the best portion of the common for his sheep-heath, and so long as the lord of the manor's courts regulated that matter it was all very well, but I question whether it would work well unless the regulations were drawn up very carefully, and there would still be disputes as to who should have this heath and who should have the other.

785. The feeling is that if allotments were made by means of inclosure, the people then would avoid differences and disputes more than if they had regulation?—Each man would get his own, and if it is only worth fencing in he prefers it. Some years ago I myself wrote upon the question of the inclosure of commons, and I took a great deal of pains to find out the general feeling, and certainly all intelligent occupiers and labourers would have preferred to have these commons inclosed, because so many quarrels arose, and they over stocked them, and the consequence was that the stock became of less value.

786. The Committee may take it for granted that the labouring population,

as well as the other part of the population, are greatly in favour of the inclosure? —I am quite sure that they may.

787. *Sir Walter Barttelot.*] They know very little about what this regulation means?—I do not think they do. They know what is meant by stinting, or having what are called "gates."

788. But of course they would be aware that in regulating the common those rights as to the number of cattle would be maintained?—I dare say they are, but they would require a little experience to teach them what it means.

789. I do not know that there is anything to prevent a common that is regulated from being divided so that each person who has the right upon the common may have a certain portion of that common allotted to him?—Yes, there is no doubt he may; but the majority might allot the best portion to themselves.

790. Has it been considered how this regulating is to be paid for?—I do not know that the people themselves have considered it; but those who know what is said in the Act of Parliament must be aware that it will be by rating, probably.

791. And that they are prepared to do?—No doubt in this case they are, and I have no hesitation in saying now, though I once held a strong opinion that all commons should be inclosed, that I am inclined to think it would be better to regulate some portions of them under strict regulations (they are not worth fencing in many instances and that good will arise).

792. They would be drained properly and naturally then; the pasture would be very much better?—Yes, very probably they would. Mr. Caird is quite right in saying that no such thing is done on the commons in our neighbourhood as regards draining as is done in Scotland, but I know an instance myself of a Scotchman who came to occupy a farm upon which he had a good deal of moor land, and he introduced that system at very little expense, and very much improved his land.

793. The great object there is to carry as much stock as they can?—The great object is to crowd in as many as they can; but the great evil that arises from unlimited right of common is that might is right, and that those who have the largest amount of stock, and the most grown-up sons, and so on, get the greatest right of common.

794. Otherwise, in regulating a common all that would be arranged?—All that would vanish.

795. But the point I was putting to you is this: that the great object is to keep as much stock as they can, and if the common were properly drained and regulated, they would naturally be able to keep more stock on the common than they can at this present moment?—Yes, on the common itself no doubt they would, but at the same time if you take a common like Stainmore of between 10,000 and 11,000 acres, I have no hesitation in saying that if you want more stock you must inclose a great portion of it, because you want winter food in proportion as the stock increases in number, and you can only get that by having inclosed land.

796. That is the great object that part of this common is to be inclosed for, and another part is to be regulated so as to produce a greater amount of herbage?—Yes, and that is a very wise conclusion.

797. *Mr. Shaw Lefevre.*] How many persons do you say are interested in the common?—Do you mean in this particular common?

798. Yes?—Well, there are 144 tenements on the valuation list, and there are 39 of those that are less than 10 *l.* a year, so that you can get at it pretty well from that.

799. Have they all their rights of common?—They have all rights of common that occupy.

800. Are many of them owners of their own land?—Perhaps half and half, or hardly so many.

801. What is the average of the holding of the small owners?—From 40 to 50 or 60 acres each, but sometimes from the extent you can hardly judge of the value of a farm, because the quality of the land differs so very much.

802. Have they been in the habit of turning their sheep out largely on this land?—Yes, very largely, those who are strong enough to hold their own against their neighbours. You see the present unlimited rights of common have led to quarrels, and then they fight, and we have to have them up for assault.

Rev. J. Simpson,
LL.D.
23 April 1879.

803. Would any of this land which is proposed to be inclosed be fit for homesteads?—No doubt it would be fit for homesteads, because much of it is as dry as some of the present homesteads.

804. The same quality of land?—Yes; of course the best quality of land has been chosen first by the lord's tenants.

805. Could many of these small owners exist unless they had the right of turning out cattle on a larger portion of ground?—That is a very difficult question, because it sometimes happens that if you have too much fell stock, as they call it, in proportion to your inland, and a hard winter comes, and you have to use a large quantity of hay, the hay falls short, and the sheep die, and the consequence is that it becomes very hard times for the occupier.

806. There ought to be a certain proportion between open land and inclosed land?—No doubt there ought to be a proper proportion.

807. Supposing you diminish very considerably the amount of open land, will it be possible for these small farmers owning 40 or 50 acres to exist if the land over which they turn their cattle is much reduced?—It will not exactly work in that way practically. It will probably work in this way, that as soon as ever the common is regulated, there will be what are called "stints" on it. For example, they will take, I presume, say five sheep, to represent a cow, and a horse to represent two cows, and each ancient tenement will have so many stints probably, recognising the sheep as the unit, and probably they will let those to persons who occupy farms adjoining the common. At present there are many holders who get no benefit from the common, from the fact that they are too much away from it, and those who adjoin the common get the full benefit of the common, to the loss and detriment of others who are more inland. Now it will happen that they will let the stints on the regulated part.

808. Is it not almost necessary for the existence of some of these small farmers that they should have that extent of country on which to turn out their cattle?—I should think myself if many of them had no fell stock at all, that they would do better on their inland farms than if they had the whole common as they have now. They keep sheep till they are three or four years old, and they produce very little wool and very little mutton, and when a bad winter comes, like we have had, and then a spring like this, the sheep die wholesale, and they become great losers, whereas if they kept their own land, and lived (as they do) frugally, and had stock and more inclosed pasture, I should not be surprised to see many of them do better than if they had rights of common.

809. What extent of land do you consider to be necessary for a small farmer to hold in order to make a living?—You can hardly imagine that a man will go upon Stainmore and farm a farm of 60 l. a year, and bring up a large family of five or six boys, and he will make his way too; but you cannot state the quantity of land in our country, because it depends so much on the quality.

810. How much land would that represent?—It would represent in some cases 70 or 75 acres. In some cases it would be 1 l. an acre.

811. With the outrun?—That includes the common rights.

812. But supposing he had only got 30 or 40 acres, could he then exist without the common land?—Yes, I think he might, but then they live very frugally. You see they do not very often have meat, except bacon once or twice a week.

813. Mr. Pell.] They do not call bacon meat?—Yes, they do, and enjoy it very much.

814. In some parts of the country meat is understood by the common people to mean only meat bought at the shop, beef and mutton?—Yes, they would call that flesh meat.

815. You have been acquainted with the country for some time?—All my life. I have been in that neighbourhood 18 years.

816. Have you known cases of people's lives being lost in crossing Stainmore?—Yes, and in danger, too, very much, as well.

817. Was that the result of taking too much, or really owing to the wild unclosed state of the common?—Originally coaches used to be stopped on the moor.

818. I have a perfect recollection of that myself?—I remember the hangman who was going to Carlisle was very nearly lost there, and was saved by a friend of mine.

819. It was said in the old coaching days to be the coldest bit of ground between Appleby and London?—Yes.

820. Do

820. Do you think the ground to be inclosed, in contra-distinction to that which is to be regulated land, will be advantageously placed?—I think it will be very advantageous to the people themselves, and to the country in general, now that they will fence off the road, which is a very dangerous road in snowy weather.

821. Everybody is satisfied?—As far as I have ever heard they are anxious to have it inclosed.

822. Lord *Edmond Fitzmaurice*.] Are you satisfied with the paths and roads which are proposed to be set out?—Yes; they have reserved a right to set out footpaths, and no doubt they will set them out with satisfaction to me. I was anxious about one or two things being preserved, but they are provided for.

823. Would you mention those?—There is Maiden Castle, an old Roman castle on Stainmore, which is interesting, but a certain quantity of ground has been set out as recreation ground round it. Then there is Roi or Reay Cross, that used to be the boundary between England and Scotland in Henry the Second's time, and before that. The base of that is still existing, and part of the shaft; but they do not get quite as far as that, that will remain as it is.

824. *Chairman*.] Is that on the common?—It is more on the Bowes Common than on this common, as far as they have gone.

825. Is that in Sir John Lubbock's Bill?—No, I think not.

826. Lord *Edmond Fitzmaurice*.] You were specially anxious that there should be a path set out to Maiden Castle?—Yes, but they have set out the path to Maiden Castle. What I should be anxious about is that the footpaths should go along the old Roman road with proper stiles. I have reason to believe that that will be all right. I looked at the maps, and I believe that that will be quite satisfactory to everybody.

827. Sir *Walter Barttelot*.] Would it not be a very great thing in favour of the sheep that the common should be more or less drained?—There is no doubt about that. If you can get the power and find the money to drain the common, great improvements will be effected because large tracts of land could be drained at a very slight expense, but as the land is open common, it is the business of everybody and is done by none.

828. But it would be very advantageous for the sheep themselves, and would save the lives of a great number of sheep?—Yes, that is the object of getting those best heaths. They got the soundest land.

829. Mr. *Walsh*.] Would it not be favourable also to preventing the spread of contagious diseases, such as the foot-and-mouth disease, if they are divided?—Yes, very much indeed. It is a most important matter, as regards that, but we have been very fortunate in Westmorland in not being subjected much to disease.

830. Mr. *Pell*.] Scab is what you are afraid of there?—Yes.

Mr. *Anthony Metcalfe*, called in; and Examined.

831. *Chairman*.] IN what position are you?—I am a landowner and farmer in the adjoining parish of Ravenstonedale. I am merely being called here to show the usefulness of inclosures against open commons generally. I live in the midst of a common of precisely the same acreage that you have in Stainmore, namely, from 10,000 to 11,000 acres. I have the right over my own common, which is similar to that of Stainmore, and I believe in every way similar in other respects.

832. Are you going to inclose yours?—We shall do so as soon as we see that Stainmore gets inclosed.

833. You know this East Stainmore Common very well?—I know it well.

834. And you know the sort of people that are upon it?—I know them well.

835. We are told now that the people, instead of wishing regulation to a greater extent than inclosure, wish for inclosure to a greater extent than regulation, or in other words, prefer inclosure. Are you aware of that?—I am well aware of that.

836. Is that the feeling in that part of the country?—Yes, the feeling is in favour of inclosure rather than regulation when the inclosure is of land good enough, but where it is poor bad land, as it is on the high part of Stainmore,

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which

Rev. J. Simpson,
LL.D.

23 April 1879.

Mr. A. Metcalfe.

Mr. A. Motcalfe.

23 April 1879.

which is not worth inclosing, then in that case they are quite content to have it regulated, but the great reason is this: Men always improve inclosed land, but I never knew an instance of what you may call regulated pastures in Westmorland where it was improved, but I know instances without end where common land has been inclosed, where it has been drained and limed and made into as good land as the inclosed land.

837. If these inclosures take place, will the poor people get many more allotments than they have got now?—Very much more.

838. But if they get allotments, do not you think they will be wanting to have cottages on them?—I have no doubt whatever on this Common of Stainmore they will have cottages, because it is so far away from the buildings.

839. But at present, instead of being lodged in cottages which they rent, their lodgings are provided for them in the farmers' houses?—They will be obliged to get cottages further away from the present cottages. There are no habitations at all on the high common, which is miles away from any building.

840. Would the effect of this inclosure be to give these cottagers houses to any greater extent than they have now?—I do not know that cottagers' houses would, but it would be an improvement to the cottagers' houses.

841. The land allotted for cottagers is 10 acres?—I believe so.

842. Having regard to the character of the people, and the number of the people, do you, or not, think that 10 acres is enough to be allotted?—I do. They could have as much land as they wished round the cottages without any obstacle whatever.

843. Sir *Walter Barttelot*.] You live close to Stainmore?—I live 10 miles from Stainmore.

844. What is the quantity of stock that is turned out per acre upon that common?—We consider it a very tolerable thing if it will carry one sheep per acre, that is the good with the bad; we have got land that will carry much more, but we have bad land that will take two or three acres to carry a sheep.

845. But taking Stainmore, you say it would probably carry a sheep to the acre?—I should say so, about.

846. Are there any cattle there?—Ponies; cattle sometimes, but principally ponies.

847. Have you known the portion that is proposed to be inclosed of Stainmore, the lower portion of the common, the 4,000 odd acres?—Yes, I have a good knowledge of where the inclosure is to be, but I have no knowledge of the quantity. I know the land, immediately it begins to be high moor land, from the better land, and the better land they intend to inclose, and the other to leave out.

848. Taking the inclosed land as you say, they would be prepared to improve it very much?—Most certainly.

849. Would any of it be cultivated, or would most of it be in grass?—It would be mostly in grass on the inclosed land around Stainmore, as now.

850. What are the general sizes of the farms there?—They are small farms. I should say they would run from 50 £. to 150 £. a year.

851. How many acres would that be?—I should say, at a moderate calculation, this would be not much less than 30 s. an acre, and there is not much difference made between the land in Stainmore, provided they get access to the common.

852. About what amount of common goes with each of these farms?—That I could not speak to, because it goes by the value of the estate.

853. Quite so, but how many head of cattle would a farm of 150 £. a year be allowed to turn out on the common, supposing it was regulated?—That I could not speak to, because the common is so very poor that is proposed to be regulated, that I hardly know what it would carry.

854. Would they be prepared, do you think, to pay the small amount of rate that would be required as I understand to put that common in fair and decent order?—Do you mean the regulated part?

855. The regulated part?—I do not believe they will ever improve the regulated part.

856. Is it not waterlogged?—Parts of it, but it is on high mountain dry land.

857. Is it not waterlogged in parts of it?—Not much.

858. Is it not very spongy?—Some portions of it are spongy.

859. Would

859. Would it not improve those portions very much if one of those surface drains were cut in it?—Undoubtedly.

860. Could not that be done at a very small amount of cost?—It could.

861. Would it not carry much more stock if that was done?—It would.

862. Would not that be of great advantage to the neighbourhood to get that drier, and make it more healthy?—Of course it would.

863. One question with reference to the labourers; will not the labourers be benefited by this inclosure?—They would be very much benefited.

864. In what way?—By there being more work. They have no work at all for them on the common now.

865. Are there *many* of them now?—Not many. As Dr. Simpson just stated, the farmers keep a servant in the house. There are no, what we may call, real cottagers.

866. How far is Kirby Stephen from this?—Five or six miles.

867. It would have very little to do with Kirby Stephen?—Nothing at all.

868. That is the only place that I see about there which has any population?—Yes; Stainmore is very thinly populated.

869. As far as you know, living in the neighbourhood, and being a good judge of this matter, the inclosure of this common would be a real benefit to this part of the country?—Yes, very much indeed.

870. Mr. Pell.] You do not think when it is regulated that much money will be laid out upon it?—I do not.

871. You have got some very good shorthorn stock, I believe?—I have.

872. You would not turn those out on the regulated portion?—I should not.

873. I suppose if money is to be spent by the persons interested in this common you would rather lay it out in artificial manures on the low land?—A very great deal.

874. How are the rights to turn out limited now; does the lord of the manor prescribe the number of cattle to be turned out?—It varies, but there is no law in our country. First come, first served, and it is a species of hounding, and as Dr. Simpson has said, those who have the most sons get the most common.

Mr. A. Metcalfe.

23 April 1879.

Tuesday, 29th April 1879.

MEMBERS PRESENT :

Sir Walter Barttelot.
Mr. H. Cowper.
Mr. C. B. Denison.
Lord Edmond Fitzmaurice.
Mr. Leveson Gower.
Sir William Vernon Harcourt.

Mr. Shaw Lefevre.
Mr. Pell.
Lord Henry Scott.
Mr. Spencer Walpole.
Mr. Arthur Walsh.

THE RIGHT HONOURABLE SPENCER WALPOLE, IN THE CHAIR.

REGULATION AND INCLOSURE OF EAST STAINMORE COMMON.

Mr. *Arthur Benson Dickson*, re-called ; further Examined ; and Mr. *John Robert Moore*, called in ; and Examined.

Mr. *A. B. Dickson*
and
Mr. *J. R. Moore*.
29 April 1879.

875. Mr. *Shaw Lefevre* (to Mr. *Dickson*).] CAN you tell the Committee when the application for dealing with this common was first made ?—There was an application made before the Commons Act was passed.

876. Was that for the inclosure ?—For the inclosure under the old Inclosure Acts.

877. Is this common one of those which was relegated back in consequence of the passing of the Act ?—Yes.

878. When did the renewed application come ?—I held the meeting in April 1877.

879. Was that an application for inclosure or regulation ?—Partly for regulation and partly for inclosure.

880. What was the proportion proposed to be dealt with ?—The same as it is now, 6,382 acres to be regulated, and 4,075, or thereabouts, to be inclosed.

881. Did it come before the Inclosure Commissioners after that meeting ?—Yes, I was sent down by the Inclosure Commissioners, and made a report on each occasion.

882. Did not the Inclosure Commissioners come to the opinion that a larger proportion of it should be regulated ?—They sent down a suggestion that a larger proportion should be regulated ; that is all.

883. How was the suggestion made ?—I think from the height of the land ; from their knowledge of it.

884. Have you a copy of the suggestion which was then made ?—Another line was pointed out.

885. By whom was that pointed out ?—By the Commissioners.

886. By Mr. Caird ?—I do not know ; by the Commissioners.

887. What would have been the effect of that proposal ?—It was not found to be so convenient as the other one.

888. How much would that have regulated, and how much inclosed ?—A much smaller quantity. It is shown on the map (*the Witness pointed it out on the map*). They proposed that the part marked with a red line should be inclosed.

889. About how much would that be ; I do not want the accurate acreage, but how much more would they have regulated ?—One thousand acres, or thereabouts.

890. Do you know on what ground they made that recommendation ?—On account of the elevation.

891. (To Mr. *Moore*.) I want to know on what ground it was suggested by the

the Inclosure Commissioners that a larger portion should be regulated and a smaller portion inclosed?—They thought that *prima facie*, from the elevated character of the land, it would not be worth while bringing in the higher parts for the inclosure dealing with it in severalty.

Mr. A. B. Dickson
and
Mr. J. R. Moore.
29 April 1879.

892. In what form did they make the amendment?—They wrote a letter to the lady with whom they were corresponding, who was acting for the promoters, to say that they had considered a petition which had been sent to them from working people in favour of the partial inclosure and partial regulation, and they suggested that application should be made for the inclosure of 3,000 acres, and the regulation of the remainder. If that were done, they expressed their readiness to hold a fresh local inquiry. Subsequently, on further representations being made to them on the subject, they agreed to postpone the decision as to the acreage to be inclosed and the acreage to be regulated, until they had held this inquiry.

893. (To Mr. Dickson.) Then an inquiry was held. Did you express the opinion of the Inclosure Commissioners at the meeting?—I went through the line that they proposed to set out, and it was considered at the meeting not so good as the original line.

894. Did you state to the meeting the views of the Inclosure Commissioners, and the suggestion that they made that a larger portion should be regulated?—Yes.

895. Did you state the reasons the Inclosure Commissioners had given for that regulation?—I read their letter.

896. Then what took place?—Then I went through the line that was proposed; I went through both lines, namely, the line that was originally proposed for the inclosure, and also the line that the Commissioners proposed. I took them each *seriatim*, and heard what the witnesses had to say as to which was the more desirable.

897. What was the reason expressed at the meeting in favour of the inclosure of this high land, instead of the regulation?—The high line was better for fencing, and included a very great deal of good land which the lower level, or line, excluded.

898. Was the desire expressed at the meeting to include a still larger portion of the inclosure, or not?—No, they would not have got it.

899. The Inclosure Commissioners were against it?—I do not think they could have agreed; the lord would not have consented.

900. Who is the lord of the manor in this case?—Sir Henry Tufton.

901. The result was a kind of compromise between the lord and the commoners; I presume the lord had in view his game rights over the uninclosed part?—Yes.

902. And it was on that ground that he objected to the inclosure as against regulation?—Not quite so. Originally in the first proposition it was proposed to reserve the lord's rights to the game over the inclosed as well as the regulated portion, so that when the boundary was originally set out the game rights would have nothing to do with it.

903. Is that a course which you ever pursued, that of allotting land, separating for ever the right of game in respect to it?—Yes; that will come before you in the Matterdale case.

Mr. Moore.] It was rarely that the right to game is reserved on an inclosure in severalty.

904. (To Mr. Dickson.) Have you done it in certain cases already?—Yes.

905. (To Mr. Moore.) How many?—I do not think we could tell you that.

906. Perhaps when we come to the Matterdale case you can tell us?—I will endeavour to get some information about the reservation of game.

907. (To Mr. Dickson.) How many commoners are there in this case?—There is a question here whether the whole of the commoners of three townships are commoners, or only in the case of one township, East Stainmore. If the commoners of East Stainmore only have rights of common, 60 persons are interested.

908. Are any of those small steadsmen?—I do not know.

909. Do you know how many?—I do not know; it would not come before me at the meetings.

910. Do you think there should be any proportion between the common rights

Mr. A. B. Dickson and Mr. J. R. Moore.
29 April 1879.

rights and the extent of common land and inclosed land in such a district as this. When there is a small farm belonging to a steadsman, is it desirable that there should be an extensive area over which he could turn out his cattle in proportion to his farm?—Speaking generally, I think it would be much better if it were inclosed. He would much prefer it being inclosed, excepting the very high parts. That is their feeling down there, that where it could be inclosed it should be inclosed.

911. Is the expense of inclosing these high districts considerable?—The fences are expensive.

912. On the whole, you came to the conclusion that it would not be well to inclose the upper part?—No, I think it would not bear the expense. It is the highest part of the common, and it is a very great height indeed. It is all land covered with ling, not worth much. When it was inclosed it would not be worth so much as the other land.

913. Did you go over the thousand acres, which it is intended to inclose or to regulate?—A great deal of it.

914. Can you say that that is distinctly a different kind of land from the higher?—Yes, the higher part is worse land.

915. Could some portion of the thousand acres be improved by manure?—I do not think they would take manure; it would cost too much.

916. How would it be improved?—By draining; the part to be regulated will not be much improved.

917. I am not talking of the regulated part, but of the thousand acres which were withdrawn from the regulating scheme and inclosed; how will that be improved?—Each man will improve his own inclosure in his own way.

918. But how; in what way; is it capable of improvement?—Certainly.

919. In what way?—It is rushy good land; the greater part is rushy good land which is capable of great improvement. I went through the whole of it at the very highest part, and it will afford much more shelter if the fence is put there for their cattle in stormy weather than if it is put lower down, as suggested by the Commissioners.

920. Sir Walter Barttelot.] What will that lower land be worth an acre when it is improved?—The average value of the whole of the inclosed land of similar quality to that proposed to be inclosed is estimated at 30 s. an acre. The present value of the land is estimated at 5 s. an acre, and they expect, taking it one with the other, that the new inclosed land will be worth that.

921. Worth 30 s. an acre, whereas now it is worth 5 s.?—Yes.

922. I suppose it is very much water-logged, is it not?—In places. It rather lies on the side of a hill.

923. It would be easily drained?—Very.

924. What would be the value per acre of the regulated land on the top of the high ground to let?—The average rental of land similar to that proposed to be regulated is estimated at 10 s. to 20 s. per acre. The rental of the land proposed to be regulated in its present state is estimated at 2 s. 6 d.

925. When it is improved by what draining they will do, what will it be worth then?—I do not think they will improve it much. I asked the question of people I fell in with, whether they were likely to expend much money on the part to be regulated, and they said No. One person did not like to rate his neighbours. That was the general answer I got.

926. One general question upon that; which would be the greatest advantage, to regulate that upper portion or to divide it absolutely amongst those who might be its proper owners?—I do not think the upper part would pay for the expense of inclosure. It would be very questionable whether it would pay for the expense of inclosure. Therefore, if you will not pay those expenses it is better regulated.

927. The simple question I wished to put upon that was, whether it would not be better for those turning out their sheep and cattle to know exactly where they could turn them?—I do not quite follow you.

928. Supposing it was inclosed, there would be a boundary mark upon it?—Yes.

929. It would still be open, would it not?—Not if it is inclosed.

930. It might be fenced with a very small fence?—You mean simply marked out.

931. It

931. It would be simply marked out, being too high?—Yes, simply marked out with stones.

932. Would not that be much more convenient for the tenants than regulated, as it is now proposed?—Not unless it was fenced off, I think. If you fence each man's allotment, then he would keep his sheep in that allotment. If you only mark it out with stones, the cattle would go from one allotment to another.

933. That depends. In my part of the world, in Sussex, that is not so, and the cattle are not allowed to go?—The objection to that is, that they now find that the sheep which are brought up on one part always go to that part; but if that is the best pasturage another commoner sends his dog and hounds the sheep off that part, and that leads to endless quarrels.

934. On that high ground, so far as the general public was concerned, the regulation or the inclosure would make but very little difference?—Very little difference indeed to the public.

935. Lord *Henry Scott*.] Did I gather from you that you think the upper lands would be better regulated rather than inclosed?—Yes.

936. And you think a regulation which does not fix exact boundaries would be more suitable than that which would fix exact boundaries for the pasturage of sheep. You think if it were marked out it would lead to quarrels?—Yes, if simply marked out, it would lead to quarrels.

937. Your view is, that where an inclosure should be made fences should be put up, and that to make an inclosure where fences are not put up, is not desirable?—No, I think you get very little by it.

938. *Chairman*.] I think it was stated yesterday that there was no objection either to regulation or to inclosure?—None; there was only one objection, which was withdrawn. A gentleman made an objection at the meeting.

Mr. A. B. Dickson
and
Mr. J. R. Moore.
—
29 April 1879.

Wednesday, 30th April 1879.

MEMBERS PRESENT :

Sir Walter Barttelot.
Mr. H. Cowper.
Mr. C. B. Denison.
Lord Edmond Fitzmaurice.
Mr. Leveson Gower.
Sir William Vernon Harcourt.

Mr. Shaw Lefevre.
Mr. Pell.
Lord Henry Scott.
Mr. Spencer Walpole.
Mr. Arthur Walsh.

THE RIGHT HONOURABLE SPENCER WALPOLE, IN THE CHAIR.

INCLOSURE OF MALTBY COMMON.

Mr. George Pemberton Leach, called in ; and Examined.

Mr. Leach.
30 April 1879.

939. *Chairman.*] WAS any application made in the course of last year with reference to the inclosure of the waste lands of Maltby, in the county of York ? —In the beginning of the year 1877.

940. Were the advertisements of that application being made duly published in the parish ?—Yes ; notice of the meeting which was to be held by me was published in the "Sheffield and Rotherham Independent," and in the "Doncaster Advertiser," papers circulating in the neighbourhood ; and notices of the meeting, signed by me, were posted also in about eight or nine places in the village and in the neighbourhood.

941. Would that cover all the places of public notoriety and importance, so that the notice would be generally conveyed to the whole of the parish ?—Yes, certainly.

942. After those notices were given, were any public meetings held upon the spot ?—Yes, I held two meetings on the 20th February 1877 ; one at 11 o'clock in the morning, and the other at 7 o'clock in the evening.

943. What other meetings were held ?—I held a meeting in February of this year to obtain consents to the Provisional Order, and notices of that meeting were also published in the same way.

944. Were the two former meetings well attended by the inhabitants ?—Yes, both meetings were largely attended.

945. What is the number of inhabitants of the parish of Maltby ?—According to the last census, the population was 805 ; but I was informed that it had considerably decreased since that time.

946. Where did you hold the meetings ?—At the White Swan Inn, Maltby.

947. Take the first of the meetings, were many persons present ?—Twenty-seven persons were present, representing all classes of society.

948. Did they generally approve of the proposed inclosure at that meeting, or were any objections made to it ?—At first the general impression of the meeting seemed to be that the whole of the commons were to be inclosed. A portion of the common named Woodlee, and consisting of 25 acres out of 78 to 80, is to be left open. It was stated that that would be so, and that practically disarmed all opposition at the meeting.

949. That was at the first meeting ?—Yes. At the meeting a petition which had been prepared beforehand was handed in to me, which is referred to partly in the Report of the Commissioners on page 10. After stating that the inclosure is opposed to the best interests of the inhabitants of this district, it goes on to say,
"To

"To inclose the common would be to deprive the public of the advantages of an open space for public resort, and to do so would have a detrimental effect, by compelling persons to seek fresh air in the neighbourhood, either by becoming an obstruction on the highway, or to drive them into the adjacent cultivated fields, which would, no doubt, result in much litigation in the prosecution of trespassers." That petition was signed by 37 people, principally inhabitants of Rotherham, and was presented by Mr. William Askern, who occupied the position of occasional hangman.

Mr. Leach.
30 April 1879.

950. Rotherham is six or seven miles from Maltby, is it not?—About 6½, measured as the crow flies.

951. At the second of those meetings, what took place?—The second of those meetings was held in the evening, and most of the people were present who were present in the morning meeting, and also a large number of the labouring classes.

952. That was by far the fuller meeting of the two?—Yes.

953. Was it there understood that Woodlee was not to be inclosed?—Yes; Woodlee was to be reserved as a public recreation ground.

954. At the second meeting, did the proposal seem to meet with general acquiescence?—I think, as regards the inhabitants generally, it did; but there was an opposition raised by certain people who had been in the habit of turning horses and cattle out upon the common.

955. Were they inhabitants of Maltby?—They were inhabitants of Maltby. They said that they would be deprived of the means of livelihood. They were persons who living in the place had no common rights, but had been exercising *quasi* rights of common.

956. I think it is stated that there are about 75 cottages at Maltby?—Yes.

957. And 19 of them have got good and sufficient gardens attached to them?—Gardens over 20 perches in extent.

958. And some land has been left to the poor of Maltby for garden allotments?—Yes, there is 5½ acres.

959. What provision have you made for the garden grounds of Maltby?—I examined the common carefully to see whether there was any land available for garden allotments on the common, and I found there was none. In the first place the common was some little way from the village, and in the second place there was no land that was suitable for gardens. I then suggested to the promoters of the inclosure that it would be desirable that some land should be obtained by exchange in the neighbourhood of the village, and I went round the village after the meeting. I was accompanied by several inhabitants, and I asked them to suggest to me the most desirable place for garden allotments that could be found near the village. There was a piece chosen, of five acres in extent, which was marked on the plan, which was the best piece of ground that I could find for gardens, and Lord Scarborough said he would give that land up, and receive an equivalent in exchange on the common.

960. In order that the cottagers might get garden grounds, Lord Scarborough proposed to give so much land, so as to provide for that necessity?—Yes, land belonging to him.

961. By the scheme, I think, you propose that Woodlee is to be preserved as an open space?—Yes; it will be vested in the churchwardens and overseers under the Act as trustees for the benefit of the inhabitants and the public.

962. What are the rights reserved to the lord; is it one-sixteenth in value?—One-sixteenth in value, and he gives up all claim to the minerals, if there are any, with the exception of a stone quarry, which he reserves.

963. What is reserved to him as regards his rights of pasturage and turbary?—He will be entitled to claim with the other persons who have common rights an allotment in respect of such rights as he may possess.

964. There are no objections on the part of the inhabitants to this inclosure, are there?—Not to any extent at the first meeting; at the second meeting which I held, in the beginning of this year, a petition was presented signed by 50 of the inhabitants of Maltby against the inclosure.

965. What was the ground of objection?—I think principally on the ground of the deprivation of the common rights, or alleged common rights.

966. Is that objection still continued?—I imagine so; I inquired at the meeting from the solicitor who got up that petition, Mr. Addy, of Sheffield, whether

Mr. Leach.
30 April 1879.

whether he thought the signatures to the petition represented the number of those opposed to it in the village, and he replied that he thought it did.

967. You had objections taken, had not you, outside Maltby?—I understand there have been. Professor Rolleston wrote me a letter.

968. He was the son of the former clergyman there, was not he?—Yes.

969. Has he any *locus standi* to object to it?—No, except as an old inhabitant. He was formerly possessed of common rights himself, or rather his father was, but they have been sold. At the first meeting that I held, a letter was read to me from him speaking principally of the advantages of Woodlee to the neighbourhood. I agreed with the views which he expressed with regard to Woodlee; and before I held the second meeting I wrote to him stating what was intended to be done in the Provisional Order, the provisions that were made for public purposes, and inquired whether he considered the inclosure of the common under those circumstances would be an advantage to the neighbourhood, and I received the letter which is appended to this Report on page 12.

970. The meeting in February last was held to obtain the consents?—Yes; and the notices also stated that the Commissioners wished to hear the views expressed by any disinterested persons in the neighbourhood.

971. What consents were obtained at that meeting in February. It is stated in the paper before me that the formal consents to the Provisional Order representing six-sevenths of the whole interests were given, and only one of the 28 parties interested dissented; is that an accurate statement?—Yes. All the persons who have claimed any interest in the common assented, with the exception of six, representing 43 common rights out of 49, and a rateable value of 4,264 *l.* 9 *s.* 5 *d.* out of 4,830 *l.* 10 *s.* Two persons only who were interested dissented from the inclosure. The rateable value of the persons who dissented was 83 *l.* 2 *s.* 8 *d.* Of the remaining four persons interested who did not assent to the Provisional Order, one were the trustees of Sir William Eden, who owned property in the parish. There was a doubt as to who were the persons entitled, therefore they did not feel justified in signing the Provisional Order, but they expressed their assent.

972. Lord *Edmond Fitzmaurice*.] You mean the persons having the equitable interest?—Yes. Mr. William Greenwood gave his assent at the meeting. A third, who was a common-right owner, objected to the inclosure because his land was principally arable, and he preferred to have some pasture.

973. *Chairman*.] Did you consider the question whether these wastes might not be regulated instead of inclosed?—Yes.

974. What was your opinion upon that point?—That they could not be regulated profitably.

975. They do not lie together, I understand?—They lie in three separate pieces, practically. The pink on that plan represents the common. The main road from Rotherham runs along there through Woodlee, and down to Stone Green. It will be seen that the detached pieces lie a long way from the high road.

976. Maltby Low Common is 16A. 2R. 11P., and Maltby Far Common is 34A. 2R. 10P., is it not?—Yes.

977. Those you propose to inclose, and there would not be any advantageous mode of regulating them instead of inclosing them?—No, the land is very damp and in part swampy. It lies very low, especially the low common. It would require money to be spent upon it, and it would not be worth while to spend any money for regulation.

978. Lord *Edmond Fitzmaurice*.] Upon which side is Roche Abbey?—Roche Abbey is below Stone Green. I think it lies rather south of Stone Green; it would not come into that map.

979. *Chairman*.] Is Stone Green to be inclosed?—It is to be included in the inclosure. I am informed that Roche Abbey is rather on the Maltby side of Stone Green. I should like to give one more reason against regulation. I consider that under regulation, if the common were regulated, the parties would not be willing to give up the large amount of the common which they are doing now, which practically amounts to 40 acres out of 80.

980. Mr.

Mr. Leach.
30 April 1879.

980. Mr. *Shaw Lefevre*.] The whole would be then open to the public?—The whole would be open to the public, at present assuming that the common-right owners do not agree among themselves and inclose the whole common.

981. Supposing it were regulated, the whole would then be open to the public, would not it?—The whole would remain open to the public, undoubtedly; but then, to obtain regulation, the consent of the parties is requisite, and they would not give that consent.

982. Sir *Walter Barttelot*.] I see the land on each side principally belongs to Lord Scarborough?—Yes.

983. Did you go over the whole of the land?—Yes.

984. Maltby Low Common is an excessively damp and low piece of ground, and boggy, is it not?—Yes.

985. Is there any underwood upon it?—There is a little.

986. Has not it been the custom to cut and carry away, without any right, the underwood there?—Yes, it was stated at the meeting that the people claimed a right to cut all the wood that would not square 8 inches. It was stated there was a custom for the parishioners of Maltby to cut all wood that would not square 8 inches.

987. Has not that wood been cut by people who have no right to cut it?—So I was informed.

988. And left stakes sticking out which were very dangerous to anybody walking across the common at night?—That was not pointed out to me.

989. It is never resorted to as a public place of resort on that portion of the common, is it?—That is the effect of the evidence I received at the meeting.

990. And in fact it is quite separate and detached from any way to any place?—Yes. There is just that green lane leading down to it.

991. What sort of state is that in?—It is simply a grass road with cart tracks through the centre.

992. But there is no public highway?—There is no public highway there.

993. As a matter of fact nobody ever resorts to either the Maltby Low Common or to the Maltby Far Common?—Well, I should hardly say that with reference to the inhabitants of Maltby itself. The effect of the evidence I received was this, and I think the position of the land would show it pretty plainly, that the inhabitants of Rotherham and Sheffield would not resort to it.

994. Only the 700 or 800 inhabitants of Maltby?—Yes.

995. What sort of land is the Maltby Far Common?—It is better; it lies rather higher; it is long-rough grass; I am told it is very poor feed.

996. *Chairman*.] This was the map you had made for the purpose, I suppose?—No.

997. What is this map?—It is a reduced copy, I believe, of the 6-inch Ordnance map. This is a copy of the map which is attached to the Provisional Order, and I believe, is a tracing from the 6-inch Ordnance map.

998. Sir *Walter Bartelott*.] You distinctly state that Lord Scarborough and others interested in the common would not be inclined to give up the Woodlee Common provided a proposal for regulation were made?—I think that would be so. They said, in fact, that they would not agree to regulation.

999. Woodlee Common, I see, is 24 A. 2 R. 6 P.?—Yes.

1000. That seems to lie very conveniently to the village of Maltby?—It is outside, just at the top of the hill. The village lies in a hollow very prettily situated, and Woodlee is just on the rise of the hill.

1001. Do many people come from Sheffield, and Rotherham, and those places?—I was told a great many people came to Roche Abbey. They stopped on their way and very often pic-niced at Woodlee. Woodlee is a very pretty place indeed; a picturesque hill side.

1002. Woodlee is between the village of Maltby and Retford, on the Retford-road?—Yes.

1003. With regard to the five acres of garden ground, whereabouts is that on the map?—I think it is just here (*pointing on the map*).

1004. What sort of land is that?—That is good land, at present under cultivation.

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1005. Taking

Mr. Leach:
30 April 1879.

1005. Taking it as good land, what value would that bear to that part of the uninclosed common which is now proposed to be inclosed, Maltby Low Common and Maltby Far Common?—I was told that it would be worth at least 15 acres of the common.

1006. Therefore you think that is a very liberal proposition of the part of Lord Scarborough, considering the size of the common?—I consider it very liberal indeed.

1007. Have the people who turn out these horses any right to turn horses out upon the common?—The great majority have no right at all.

1008. What are they, higglers?—Higglers and small carriers.

1009. Is it not a matter of fact that those people turning out without any right, and keeping horses there when they have no means of keeping their horses, are a great nuisance?—Yes.

1010. Lord *Edmond Fitzmaurice*.] What do you mean by a great nuisance?—There is very little feed on the common, and the horses are in the habit of breaking through the adjoining hedges and getting into the cultivated lands, and also they are not particular as to the quality of animals that are turned out. On several occasions diseased animals have been turned out on the common.

1011. Sir *Walter Barttelot*.] Very often that class of people are not particular about turning them into a piece of good grass that there is handy, and saying that the horse broke through the fences?—I think that is very possible.

1012. So that I may take it that these people who turned out their horses, as a rule, there may be exceptions, no doubt, have no right to turn them out on the common?—No; certainly all those who raised the objection to the inclosure at the meeting.

1013. Do the inhabitants of Rotherham and Sheffield object?—The only intimation that I had at the meeting from any inhabitant of Rotherham and Sheffield, was that petition to which I have referred, which was presented by the hangman. At the second meeting, Mr. Addy, a solicitor of Sheffield, appeared to represent the inhabitants.

1014. When you say “the hangman,” you do not mean that because he has unfortunately to perform that trade you would not expect him to be a respectable person?—I believe he was an educated man. He referred me to the works of Mr. Mill.

1015. Mr. *Shaw Lefevre*.] Why did you introduce the term “hangman”?—I should hardly imagine that the inhabitants of Rotherham, if they chose to oppose the inclosure, would choose him as a representative.

1016. He happened to be one of the persons who objected, I suppose?—He objected because he claimed rights upon the common.

1017. He objected in another quality?—Yes.

1018. Mr. *Pell*.] To set up his gallows?—No; he stated at the meeting that he had turned out on the common for the last 22 years without any payment or acknowledgment whatever.

1019. Mr. *Shaw Lefevre*.] He claimed by virtue of a right?—Yes.

1020. Not because he was an inhabitant of Rotherham?—No, he was an inhabitant of Maltby, and his statement that he had turned out without payment was proved to be incorrect.

1021. Then the inhabitants of Rotherham did not select him as their representative?—Except so far as he presented the petition.

1022. He happened to be an inhabitant there, and I suppose they thought it convenient to send it through him?—I did not inquire how the petition was got up.

1023. I want to know why you introduced the expression “hangman” with a view of throwing contempt on the whole petition?—I confess I did not attach very much weight to the petition either, from the wording of the petition itself.

1024. You attach more weight to the petitions which have now been presented against the inclosure from the corporation of Sheffield and the corporation of Rotherham?—I have not seen those petitions.

1025. If you were informed that petitions had been presented by those bodies, should you attach more weight to them than to this petition which you have now referred to?—I should think that if there was any real feeling in Rotherham and

and Sheffield they would have appeared, or taken some steps to appear, at the meetings which were held to ascertain the views of persons interested.

1026. Supposing they appeared before this Committee, would not that indicate a strong feeling against the inclosure on the part of these people?—It might.

1027. You have stated that the public would be better off under the inclosure than under the regulation of this common. I want to understand what you mean by that; how would they be better off; by this inclosure they get the Woodlee part, 24 acres?—If the inclosure is carried out, Woodlee will be vested in trustees in perpetuity; it could never be taken away from them. They will also get the five acres for garden ground, which will also be vested in them in perpetuity.

1028. That is for the poor of the parish; I am talking now of the public; what would be their case under regulation?—There are two points which I bear in mind in these letters; the first is, that if the inclosure is refused —

1029. I am now asking you this; you stated distinctly to the Committee that the public would be better off under inclosure than they would be under regulation. I want to know how they would be better off under inclosure than under regulation? Supposing the common were regulated, what would be the position of the public?—That I can only answer by stating the advantages which I consider that they will gain from inclosure.

1030. You told the Committee that the public would be better off under inclosure than under regulation; therefore inclosure must be preferred to regulation. I want to ask you whether the public would not be better off under regulation, inasmuch as they would have the uncontrolled user of the common, after it is regulated, over the whole of the common?—Of course, by inclosure I mean only inclosure upon terms embodied in the Provisional Order which will secure this allotment to the public.

1031. Supposing instead of inclosure you could have regulation of the whole of the common, would not the position of the public be much better in the future?—I do not think it would.

1032. Why not?—Because the common-right owners and the lord of the manor might agree among themselves and inclose the whole common.

1033. No, not under regulation; I am now assuming the whole of the common to be regulated instead of inclosed. Would not the position of the public be a great deal better; would not they be able at any time, any of them, to go on to the common at any moment, and would not the process of regulation secure the common for ever as an open space?—That would depend on whether the legal right of going over the common was reserved to the public by the Provisional Order.

1034. Would not the practical effect of regulating the common be that it never would afterwards be inclosed, and that the public would continue in future as they have done in the past to go upon the common?—It might be inclosed afterwards with the consent of Parliament.

1035. But not without?—Not without.

1036. The effect of the regulating order would be to prevent any inclosure, whether from the Inclosure Commissioners or by private process, for ever, would not it, except with the consent of Parliament?—Except with the consent of Parliament.

1037. Lord *Edmond Fitzmaurice*.] Are you quite clear that that is the law, that a scheme of regulation bars a common law inclosure by agreement entirely?—Undoubtedly. It is expressly provided in the Commons Act.

1038. Mr. *Shaw Lefevre*.] Would not the public be much better off under a regulating order, inasmuch as they would be able to use the whole common instead of 24 acres of it?—As regards the public under a regulating order, I think that they would. Allow me to explain; I am looking at other possible events which may happen.

1039. You think it possible that if the Committee should refuse the inclosure, inclosure might take place outside Parliament?—Yes.

1040. How many commoners are there on this common?—Twenty-two consents have been given out of 28.

1041. Then there are 28 commoners?—Yes.

1042. Then it would be necessary for the 28 persons to agree together to inclose the common?—Yes.

1043. Supposing the public say, Well, we would rather take our risk under

Mr. Leach.

30 April 1879.

the present state of things than that the inclosure should proceed; if they are prepared to take that risk, they probably would be better off, so long as the common is uninclosed; they would have the user of the whole of it?—I should think it would be more for their advantage to have the certainty.

1044. You told us that one of the present difficulties of the case is that people unlawfully turned out horses, and others unlawfully cut wood upon the common; would not a regulating scheme provide against that in the future?—Yes; that might be provided for by regulation.

1045. And these evils might be got rid of?—If the parties were willing to consent to regulation.

1046. That would be one of the points in which the owners and commoners would gain by a regulation order, that they would prevent these illegal acts in future?—Yes, they might do that.

1047. That is one of the advantages of regulation?—Undoubtedly.

1048. That the lord of the manor and commoners are better able in the future to prevent persons unlawfully exercising, I will not say rights, but unlawfully turning out cattle and cutting wood, and so forth?—Yes. Of course, regulation involves expense in looking after the common, and they say it would not be worth it.

1049. It would involve the appointment of a common keeper, who probably now and then might just look round the place?—Yes.

1050. Not necessarily employing his whole time on the common, but occasionally?—It would depend, rather. It would not involve very much work in this particular case, because the common is not of very large extent.

1051. It is a very small common, and the occasional employment of a man to look round would be sufficient, if it were regulated, would not it?—I should think it probably would; but I have had no practical experience of that.

1052. There need be no great expense in maintaining the regulation of this common, need there?—I should think probably not, in merely keeping the persons off who have no right.

1053. The regulation scheme might also provide for surface drainage of the lower part of the common, might it not?—It might, undoubtedly.

1054. That would not be a great expense, would it?—It would be more expense than the parties would be willing to incur.

1055. How do you know that?—From what they have stated.

1056. But it would not be expensive?—That I can hardly say.

1057. Would the surface drainage be sufficient for that middle part?—Perhaps. These are questions on which persons more acquainted with the matter, such as the agent of the property, would probably give you better evidence than I can.

1058. To whatever extent the common is improved in that way, the lord of the manor and the commoners would benefit therefrom, would not they?—They would benefit, undoubtedly, if the common were improved.

1059. The pasture would be improved?—I was informed that it would never make good pasture; that it would not be possible to make good pasture out of it.

1060. Drainage would improve it, I suppose?—I presume drainage would improve all land.

1061. Lord *Edmond Fitzmaurice*.] You cannot make a Provisional Order for regulation except upon a distinct application for regulation, can you?—No.

1062. Therefore, if you have not had an application for regulation you cannot recommend regulation?—No, and that is one of the points in which, if I may say so, I think the Act is rather deficient, that it does not give the Commissioners any power to recommend regulation, when application is made for inclosure, except upon a fresh application of the parties; so that if the Commissioners are doubtful as to whether a part should be inclosed and part regulated, they will have to suggest to the parties to make a double application, for regulation and for inclosure, and then, under the two applications, part can be regulated and part inclosed.

1063. But still, as a matter of fact, you cannot in any manner, directly or indirectly, put what may be called pressure upon parties to take regulation as against inclosure; it must come from them in the first instance?—Yes, undoubtedly.

1064. Mr.

Mr. Leach.

30 April 1879.

1064. Mr. *Shaw Lefevre*.] The difficulty of obtaining consents for a regulating order is a very great impediment, is it not, to regulating schemes?—Undoubtedly it is; I may say that in every case that I have been to I have found the same difficulty arises, that the benefits which are expected to arise from regulation will not justify, in the opinion of the parties, the expenditure of any money at all upon it.

1065. Even since the Act of last year, which enables them to sell a portion of the common to pay for the expenses?—I think so.

1066. Have there been cases under that provision?—I know of one case in which that Act may have the effect of inducing parties to consent to regulation.

1067. Take this case; do not you think, if the parties understood that they would be relieved from all expenses in respect to the scheme of regulating by selling a small portion of the common for the purpose of paying expenses, that would lead them to adopt that plan?—I do not think it would.

1068. Why not?—From what was stated at the meetings, and what was subsequently said as to the feeling of the parties.

1069. Would it be difficult to get all the consents; is it a question of consents?—I think Lord Scarborough would not consent; he is a large owner; his consent as lord of the manor would be absolutely necessary to any proceeding.

1070. The lord of the manor has a veto in all these cases?—Yes.

1071. That has caused considerable difficulty, has it not, in regulating commons?—No, I do not think it has, in cases that I have been to.

1072. You have excluded one portion, Woodlee, from the inclosure?—No, it is included in the inclosure, but it is to be allotted by the parties for a recreation ground.

1073. On the ground that it is extensively used in that way?—Yes.

1074. By people coming from a distance as well as from the neighbourhood?—Yes.

1075. Supposing these other commons were regulated and somewhat improved in the sense I spoke of, would not they be also used as much by the public as Woodlee Common?—I should think not.

1076. Why?—From the situation of the commons; they lie apart.

1077. They lie rather further from the village of Maltby, but they are as near all the populous districts in the neighbourhood, are they not?—There is no populous district in the immediate neighbourhood. Rotherham is 6½ miles as the crow flies; Sheffield is nearly 13; between 11 and 13, according to the part of the town to which it is measured, I think. Perhaps I may say, that I understand from what I have heard, that there was considerable misapprehension, both at the meeting and afterwards, especially with the people of Sheffield and Rotherham, as to what Maltby Common really consists of. I understand that a good deal of the opposition would be to any dealing with or inclosing Woodlee, and that the low and farther common are comparatively unknown; that people go very little there, and that the objections are mainly confined to Woodlee.

1078. Lord *Edmond Fitzmaurice*.] You mean that they did not exactly understand at the moment that you were going to set out Woodlee?—No; it was not known before the meetings were held.

1079. It could not be known, of course?—No.

1080. Mr. *Pell*.] The honourable Member has asked you whether the public would be better off, and you have given an answer on that point; what do you understand by the public?—I should, perhaps, say the public are people who have no rights over the common, but who simply, from the fact of its being an open space, do gain some enjoyment from it.

1081. How far do you extend that; will the public, we will say, in London, be the better off by its being a regulated common instead of an inclosed one?—No, I should imagine not.

1082. You mean the public in the neighbourhood, I suppose?—Yes.

1083. You limit it to that?—As distinguished from the inhabitants of the particular village in which the common is situate.

1084. How would the public in the neighbourhood be better off by its being a regulated common, rather than by its being an inclosed one?—The probability is that they would not be prevented from going on there if it were regulated.

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I 4

1085. They

Mr. Leach.

30 April 1879.

1085. They would get an opportunity of walking about on it?—Yes.

1086. Is a regulated common rated to the poor?—I should think not; no, certainly it would not be.

1087. Are you quite clear upon that point; when a common is regulated, is it rated to the poor; does it pay its rates and does it pay its taxes?—I imagine that a regulated common would be only in the same position as a common on which the common-right owners have agreed to stint the common among themselves, and that, undoubtedly, is not rated.

1088. Would not this be the case, that there would be a plot of ground some 78 acres in extent, if the whole of it, in this case, is to be regulated, which would be free from a direct contribution to rates and taxes?—Yes, there is no direct rating.

1089. Mr. *Shaw Lefevre*.] There is no direct rating of the common, but indirectly, inasmuch as the land adjoining which has common rights attached, has an increased value owing to the common rights, in that way the value of the common is rated, is it not?—I have generally been told that an additional rate is put on the land which has common rights attached to it.

1090. Lord *Edmond Fitzmaurice*.] Is not this the law, that really the common is rated in different proportions; that is to say, the lord's interest, the owner of the soil, is rated, and then the common rights are rated, because, as Mr. Lefevre has pointed out, they are rated along with the land which exercises a right over the common; therefore, indirectly, the whole common is rated?—I think there is never any rating with reference to the ownership of the soil, until a recent sporting rate of 6 *d.* an acre was established in some places.

1091. Is not that because, as a matter of fact, the assessment committee of a union generally holds the lord's right in the soil to be without sufficient value. They can choose, upon an assessment, a value upon which it would be rateable, but as a matter of fact the assessment committee generally holds that the land is without value?—I believe that is so.

1092. There is no legal exemption?—I do not know of any.

1093. It is a mere matter of practice?—Yes.

1094. Mr. *Pell*.] You are acquainted with the form of the valuation list and rate book?—Yes.

1095. The rate book must state the quantity to be assessed. Did you ever in your experience see a rate book in which an incorporeal hereditament was stated; a right of common without any quantity attaching to it?—I think I have seen common rights added.

1096. The freeholds in the place would be raised in value in consequence of the regulated common being attached to them, and of which they would have the enjoyment; but supposing, instead of it being a regulated common, allotments were awarded to those different claimants, those allotments taken out of the ground which would be otherwise recreation ground, would then be distinctly rated and assessed, and appear in their different quantities in the rate book?—Yes, undoubtedly.

1097. Would not that bring a larger sum into the coffers of the overseer than the sum which would be indirectly brought in from the recreation ground?—Yes; unquestionably it would, especially because in many cases the common right is of such little value that it would not add anything to the rating of the lands to which the common right was attached.

1098. If the whole of these commons were regulated, the public would get the benefit; that is admitted, but would not that benefit be accompanied by a great cost to the inhabitants of the parish of Maltby, and to the union in which Maltby is placed, from this rule, that where you exempt one part of the community you must charge the other?—Yes, that must be so. They would lose the rateable value of the land which would be inclosed. Will you allow me to say that some estimate of the value which at present is set upon the common right may be gathered from the fact that the commons are "driven" occasionally by a servant of the lord of the manor, and trespassers turned off and impounded; and they are made to pay 2 *s.* 6 *d.* or 5 *s.*

1099. The commoners are made to pay?—Those persons who have no common rights for each beast that is on. Practically, the fine for an unlicensed turning-on is estimated at 5 *s.* at the outside.

1100. Woodlee is to be set apart as a recreation ground?—Yes.

1101. Will

Mr. Leach.

30 April 1879.

1101. Will that have to be regulated?—It will be vested in the churchwardens and overseers of the parish, and they will be able to do as they like with the pasture.

1102. Then the answer to the question is that it would be regulated?—No, it will not be regulated. The way in which the herbage would be employed would be in the discretion of the churchwardens and overseers, and if they choose to let it to deserving poor people, and to allow them to turn their beasts out upon it on payment of a small and nominal rate, they would be able to do so. I was informed that they would probably adopt this course.

1103. The legal estate will be in the churchwardens and overseers, with a power to let the land?—Yes.

1104. So that they do not allow the letting of it to interfere with the enjoyment of the public?—Yes.

1105. Would that be rated?—No, certainly not.

1106. Then, again, you would have established another authority in Maltby, which is having a beneficial use of the soil, and contributing nothing to the maintenance of the poor or the Queen's taxes?—Yes.

1107. I suppose that is always the case in these recreation grounds?—Yes, they pay nothing.

1108. The whole world will have the enjoyment of Woodlee, of course?—Yes.

1109. It is a pretty place, and all like to come to it?—Yes.

1110. They will have that enjoyment at the cost again of the ratepayers?—Yes, and of the common-right owners who give up that portion of the common.

1111. So that, in fact, the remainder of the ratepayers of the parish of Maltby will be directly contributing to support a recreation ground for the benefit of the public, as far as the rate goes?—Yes.

1112. You think the parish will not consent to the regulation of part of this low common, because it would hardly pay for it?—It would not.

1113. What is the nature of the soil of the low common and further common; the low common consists of 16 acres; is it a poor clay, or what?—It is principally loam on limestone.

1114. Has it a bad outfall for the water?—I think it would be so. The low common lies in a sort of basin.

1115. You think if there is a private allotment, private individuals would undertake the enterprise or venture of draining and improving it; but the parish would not, if it were merely allotted as a regulated common?—No.

1116. Mr. Leveson Gower.] I think you say the high road passes through Woodlee?—Yes.

1117. Does it pass through or adjoin the other parts which you desire to inclose?—No, it is some distance off. I should think something like a third of a mile to half a mile.

1118. Are the parts you intend to inclose picturesque?—No, not more than any uninclosed land is.

1119. Is there much uninclosed land in the neighbourhood of Rotherham and Sheffield?—That I can hardly say. I am not acquainted with the neighbourhood.

1120. To what purpose will this land to be inclosed be devoted?—It will be turned into arable land. Part of it, the further common, has, I believe, at one time been cultivated apparently at some early period.

1121. I understand drainage will be necessary to make it fit for arable land?—Yes.

1122. I suppose the return for the expenditure on drainage will be much greater if it is converted into arable land than if it were not?—Yes, so I was informed, that it could be profitably cultivated as arable land, but would never make good pasture.

1123. Lord Henry Scott.] Is that the part you propose to inclose?—Yes.

1124. What are the grounds of objection made by the 50 inhabitants of Maltby to the proposal of inclosure?—Principally the ground that they turned out on the common. I think, perhaps, if the honourable Member will allow me, I will refer to the petition which was presented. The petitioners say, "Considering as well their legal interests, and the benefit, happiness, and comfort of the said parish and hamlet, as the benefit, happiness, and comfort of the whole neighbourhood, do hereby dissent from the proposed inclosure."

Mr. Leach.
30 April 1879.

inclosure of common lands of the said parish and hamlet; that your petitioners, being inhabitants but not freeholders of the parish and hamlet aforesaid, whose names are written in the second column of the schedule hereto, having regard to the benefit, health, happiness, comfort, and convenience both of themselves and the whole neighbourhood, and having regard also to the ancient privileges which they and their fathers before them have enjoyed in respect of rights of user of the said commons, of depasturing cattle thereon, and of taking fuel thereon, do hereby dissent from the said proposed inclosure."

1125. You say that those parties only represent about one-fifth of the whole of those who have common rights on the land?—The parties interested who dissent, who expressed absolute dissent, there were only two out of the 28.

1126. Lord *Edmond Fitzmaurice*.] Out of what 28?—The 28 interested in the common.

1127. Lord *Henry Scott*.] The 50 inhabitants you spoke of are not persons who have any actual rights over the common at all, have they?—Some of them were persons interested who had expressed their dissent.

1128. Those were only two according to your account?—Yes, but in the petition they made more, because one man signed in two capacities.

1129. How many do you suppose out of that 50 were really persons who had common rights on the common?—I think they only represent two rights.

1130. Did I understand you to say that this portion which you propose to inclose is resorted to, or has been resorted to, for the purposes of recreation hitherto?—No; the evidence that I have heard at the meetings, and the result of the inquiries I made, was all the other way, that it was not resorted to to any extent.

1131. Then the only portion that has been resorted to for recreation is the portion proposed to be regulated?—And will be given up to the public in the recreation ground.

1132. How far is Roche Abbey from the recreation ground which you propose?—About a mile.

1133. With regard to the question of rateable value of land, if a property has common rights attached to it, those common rights are valued in the value of the assessment, are they not?—I understood that that was generally the case. I have been so told by the rate collector at different places that the land with common rights attached has been valued higher. In no case that I can remember does it appear how much is put on the common right and how much on the value of the land itself.

1134. Then in fact the possession of that land would make no real difference on the rate book; whether it is a recreation ground or whether it is a common it would stand exactly in the same position now as before?—Yes, Woodlee would; the 28 acres would.

1135. Lord *Edmond Fitzmaurice*.] The honourable Member for Leicestershire asked you a question as to whether it might not fairly be said that a recreation ground was being provided for the neighbouring towns at the expense of the ratepayers of Maltby; do you consider that that can in any way be fairly said?—It undoubtedly is correct so far, that they would contribute some proportion. If the land were rated, and by being set out as a recreation ground is freed from rates, the ratepayers generally will contribute a certain proportion.

1136. It does not pay rates now?—Not directly, but I understand that it does indirectly. If the land to which the common right is attached is rated higher because of that common right, then the common right to some extent must be considered as rated.

1137. I understand the chances are that the pasturage of Woodlee will remain unaffected; that the trustees of the ground will be able to continue the same rights of pasturage practically to the persons who now enjoy them?—I should think probably they would limit it. No doubt they will be guided as to how it can be most beneficially enjoyed.

1138. In any case the amount is almost inappreciable; it is not one which the inhabitants of Maltby would appreciably find out in their rate book?—I should think not.

1139. As

Mr. Leach.
30 April 1879.

1139. As to these 50 people who objected to the inclosure, were they heads of families, or simply individuals?—I think they were all classes; some women I know were among them.

1140. What is the distance from Woodlee Common to the other commons?—I think about half-a-mile.

1141. Do you consider that it is the position of the Abbey which causes people to go to Woodlee and not to go to the further commons?—I am told entirely so; that if Roche Abbey were closed by Lord Scarborough, which of course he would have a perfect right to do, because it is his own property, the people of Rotherham and Sheffield would never go near the place.

1142. Is the character of the land on the other commons so different from that of Woodlee as to make one a pleasant place of resort, and the other unpleasant?—It is entirely different. Woodlee is hill-side, with limestone cropping up from the surface in large boulders. It is an exceedingly pretty place. The others lie low. Low common especially is very swampy.

1143. And therefore, presumably, not a pleasant place to have a picnic?—It would not be a pleasant place to have a picnic.

1144. What is the population of Rotherham; I see it is stated as 27,000 in your paper, and as 32,000 in the Petition of the Mayor and Corporation of that town?—I was informed the population was 27,000.

1145. That is the last census?—Yes. Perhaps I ought to draw the attention of the Committee to Stone Green, which lies separate from the rest of the common, and has distinct common rights over it. There are only two persons who claim any right over it at all. One is Lord Scarborough, who claims three rights, and the other is a man who assented to the Provisional Order, and who claims a right, but it is doubtful whether he has any right or not. The principal object of including Stone Green in the inclosure was that there are a number of cottages which exist there which have been built as encroachments at different times, and which have been condemned by the sanitary authority. The inspector accompanied me, and pointed them out to me. They are built under a sort of overhanging bluff. Some of them are mere caves, just a cave dug out and a wall. The places are perfectly unfit for human habitation. It is Lord Scarborough's desire that those cottages should be pulled down. Stone Green would probably be allotted to him. He has expressed his intention of preserving it as an open space. He will have less difficulty in carrying out the demolition of those cottages if it is done under the inclosure than if he were to take proceedings at once to eject the people, which he would have power to do, and build other cottages at once without any inclosure proceedings.

1146. Are those cottages held upon lives, or what is the tenure?—I imagine they are merely tenants at will.

1147. Do you imagine that if this Provisional Order which you have proposed is not passed by Parliament, there would be any probability of parties interested coming to terms and inclosing?—I should think it is very probable indeed. If the Order is not passed, the 40 acres of the common which would have been given up for public allotments will remain at the disposal of the lord of the manor and the commoners, and they may apply the whole or part of this to buy the consents or to buy out the interests of those persons who dissent from the inclosure. The public and the inhabitants generally, who have no legal interest in the commons, will have no voice in the matter.

1148. If the parties interested agreed, and carried out a common-law inclosure, Woodlee itself might be inclosed?—Woodlee itself might be inclosed.

1149. Practically, you mean the public and the labouring poor would not get anything?—They would get nothing at all. The permanency and security for the public of Woodlee and these allotment gardens were, I consider, as regards the public, the main benefits to be desired from the inclosure.

1150. From your experience generally, as an Assistant Inclosure Commissioner, do you consider that your operations are impeded, or injuriously affected, by the fact that, practically, your office and this Committee are not in any manner supreme over inclosures; that these common-law inclosures can go on outside your office, and that, practically, you are in the position of being told that if you do not carry out a thing in a particular way, a common-law inclosure will take place which will override you?—I have never been told that in so many words, but in several of the cases that I have been to, I have very little doubt that the effect of the refusal to grant inclosure may, and very probably will, be a

Mr. Leash.
30 April 1879.

division of the common by the lord and commoners among themselves. When there is a meeting for inclosure, the parties are brought fairly face to face. The matters are discussed, and very often an agreement is come to when the parties have been long at variance before.

1151. Your operations, to a certain extent, may be said to be fettered?—Fettered to a great extent, and almost entirely by the fact that Parliament has refused to sanction almost all the inclosures for which application has been made. I think that the applications for inclosure which have been made to the Commissioners are something like five or six times as many as those which have come before the Select Committee.

1152. Sir *Walter Barttelot*.] Is it or is it not a fact that getting the people together and showing them the benefits of these inclosures makes them much more likely to settle the dispute amongst themselves and inclose the common, supposing the proposal you make were not carried out?—I think that is very likely the effect which would be produced.

1153. Mr. *Shaw Lefevre*.] Has it not followed that where the Inclosure Commissioners have recommended inclosure to Parliament, and it has not afterwards been approved, those preliminary proceedings have facilitated inclosure by private arrangement?—I should hardly go as far as that.

1154. I understood that from what you said?—It is an effect which may be produced.

1155. I understood from what you have already told us, that the meeting together of the commoners with a view to inclosure through the Inclosure Commissioners, and probably the definition to some extent of their rights by the Inclosure Commissioners, has brought them together and put them in a position when they could more easily agree together?—I think so.

1156. Does it not follow from that that the preliminary proceedings of the Commissioners have rather facilitated the inclosure outside the Inclosure Commissioners?—I would not say that they have done so, because I am not aware of any case in which inclosure has actually followed, but I think it very probably would. It is a very probable result. It is one that I should expect in several cases, and in cases where the parties are willing to sacrifice large allotments for public purposes, I should consider that an inclosure which would secure them for the public would be advantageous.

1157. Lord *Edmond Fitzmaurice*.] I suppose there is another result also; that some individual with a very large interest might take the law into his own hands, and put up a post and rails round a large portion of the common, or even the whole of it?—It would awaken the common-right owners to a sense of their rights.

1158. Supposing they were very poor, they could not resist?—They might not resist, but I believe it would be called to the attention of, and probably would be taken up by, the press, in an inclosure of that sort.

1159. As a matter of fact, there is nothing in the present state of the law, in numerous cases, to prevent a person inclosing his land on the chance of nobody interfering?—Undoubtedly there is not. A man will inclose at his own risk. If he remains uninterrupted for a sufficient length of time, he will acquire a perfectly legal title.

1160. He would oust the right of his poorer neighbours, and also bar the provisions which Parliament has introduced for the protection of the poor in the matter of recreation grounds and allotments?—Yes, that would be so.

1161. Mr. *Pell*.] Is there any copyhold in this manor?—That I am not sure about.

1162. I will put a general question to you upon that point; you have, of course, had to do with many inclosures where there are copyholders?—Yes.

1163. Is it not the case that the allotment in respect of any copyhold land would be copyhold?—Yes, it would be the same tenure. The allotment would be the same tenure as the land in respect of which it is allotted.

1164. Therefore, if there were 100 acres of copyhold land in the parish having a claim upon the common land, and there was an allotment of 10 acres on the common land given to that claim, that would be 10 acres of copyhold land?—Yes.

1165. And where the fine is uncertain it would be a considerable addition to the value of the manor, would it not?—Yes, I presume it would.

1166. *Chairman*.]

1166. *Chairman.*] The chief objection raised to this proposal emanates from the neighbouring towns, does not it?—I understand so, and from Professor Rolleston.

Mr. Leach.
30 April 1879.

1167. Do you think these neighbouring towns were aware when the objections were raised by them that the part which you call Woodlee would remain virtually uninclosed, and that that part is the place which I understand they go to when wishing to see the abbey, and that the main part of the inclosure would be these other two portions, which they did not go to?—That I have been given to understand from people in the neighbourhood to whom I have talked this morning.

1168. Do you think it probable that the chief ground of the opposition would have been removed if they knew that Woodlee was going to be dealt with in a different way from that which they supposed was going to take place?—I should think in all probability it would.

1169. *Mr. Shaw Lefevre.*] Is Rotherham a suburban town within the meaning of the Act?—No, it is not.

1170. Is it not large enough?—It is more than six miles away; it is about 6½ miles. I was very careful to measure it because I knew it was very near. It is probably stated at six miles, but it is more than six miles, measured in accordance with the directions of the Act.

1171. *Mr. Pell.*] You see what the statement is: the petition of the mayor, aldermen, and burgesses of the borough, "Showeth, that Rotherham is a borough town of 32,000 inhabitants, being situated within a distance of six miles"?—That statement is not correct. Possibly some of the outskirts of Rotherham may be within six miles, but the Act gives a direction to measure the distance from the town hall.

1172. *Chairman.*] No application was made to you to regulate, instead of to inclose, was there?—No.

Mr. Henry Vivian Tippet, called in; and Examined.

1173. *Chairman.*] ARE you the agent of the Earl of Scarborough?—Yes.

Mr. Tippet.

1174. I believe the Earl of Scarborough is the lord of the manor of Maltby, is he not?—Yes.

1175. There are four distinct parts of the village of Maltby which are proposed to be dealt with by the Provisional Order, are there not?—Yes; four portions of common land.

1176. Called, respectively, Woodlee, Low Common, Far Common, and Stone Green?—Yes.

1177. It is proposed to inclose Low Common, Far Common, and Stone Green entirely, is it not?—Yes.

1178. Woodlee is not to be inclosed, but to be dealt with in a different manner?—To be left open as recreation ground for the use of the inhabitants of the district and of the public.

1179. As I understand it, leaving Woodlee open as a recreation ground, it would be vested in the churchwardens and overseers, who would take care that it was kept as a recreation ground, in case the Provisional Order should be confirmed?—Yes, that is the proposal.

1180. That would be the mode in which it would be secured as a place of recreation?—Yes; that would be the most desirable arrangement to make to secure it for the benefit of the public.

1181. With regard to Low Common and Far Common, we have been told that they are in a very swampy, bad condition; that it is low land, and so on, and that it would be a very great object to inclose them and to get them drained, and so put into good order?—Yes, it would be about two-thirds of the Low Common and a great part of the Far Common is quite impassable, nothing better than a bog.

1182. If the inclosure scheme were to take effect, they would be put into good order, and it would be to the benefit of the neighbourhood as well as of the persons who would have the benefit of the inclosure?—Yes, that would be the case.

1183. With regard to Stone Green, what is the character of that land?—It is

Mr. Tippet.
30 April 1879.

is a rocky piece of ground on the hillside; a turnpike road passes through part of it.

1184. There is no particular objection one way or the other with regard to Stone Green?—No, it is not fit for cultivation at all; it is a very suitable piece of land for a village green. Lord Scarborough would not wish that inclosed; even if it comes into his hands he would not have it inclosed, but merely have it taken care of, and kept in better order than it is at present for the benefit of the inhabitants about there, to be used as a village green.

1185. I think I have heard that Lord Scarborough is taking care that there shall be allotted to the cottagers of this village land for garden ground, which would be more convenient than that which they would get from any of this common land?—Yes; in fact there is no land on the part of the common proposed to be inclosed which would be at all suitable for cottage gardens.

1186. In point of fact, the poor people would get a greater benefit by the inclosure, as proposed, than by having these pieces of land left open?—Yes, that certainly is my impression.

1187. With regard to Woodlee, the character of that is entirely different, I believe, from the other two portions of the common?—Yes, it is much higher land; it is a very nice picturesque piece of land, quite an ornament to the country; it is high land, and the turnpike road runs through it. It is a very desirable piece to leave open for recreation ground.

1188. If that is left open as recreation ground, would there be anything in the remaining part of the inclosure which is included in the Order which would at all affect the different excursionists and people in the neighbourhood who come to see the abbey, of which we have heard so much, when they could get their recreation at Woodlee, on the way to it?—I think I may say that I question whether half-a-dozen people in Sheffield and Rotherham have ever seen the Low Common at all; it is such a long outlying piece, and so wet and uninteresting, and I am certain if it were visited once, it would not be a second time. There is nothing to make it interesting at all; and at all times in the year, even in the middle of the summer, a great part of it is so wet and swampy, that you cannot walk across it.

1189. I will take one petition as representing a great many of them, the petition from the mayor, aldermen, and burgesses of the borough of Sheffield. They state, "That the parish of Maltby aforesaid, by reason of its salubrity and natural beauty, is much frequented every summer by the inhabitants of Sheffield and the neighbourhood thereof, who resort thither for the purposes of health and recreation, many of whom reside with their families and children for weeks together, and to whom therefore the inclosure of the said commons and waste lands would be no little injury. Your petitioners therefore pray that no Bill may be passed into law for the inclosure of the said commons and waste lands, or any part thereof." That, I suppose, applies chiefly to that part of the waste land which is called Woodlee, does it not?—That is my impression. When I heard the petition had been presented, my impression was that it was under a misapprehension; that their idea was that Woodlee was to be inclosed. I certainly think that they know nothing of the Low Common at all. I know it well; I am very frequently over it. I never saw or heard of anybody from Rotherham or Sheffield being on it at any time.

1190. Are Roche Abbey grounds upon any of the commonable land?—It is private property.

1191. Entirely private property?—Yes.

1192. Will they be open to the public just as heretofore?—They will be open to the public as before. They are open to the public twice a week, and there is no intention of closing them at all.

1193. Mr. Shaw Lefevre.] Do you admit that a considerable number of people do come from Sheffield to Maltby?—Yes; I think a great number in the summer time.

1194. And, according to your view, they use the Woodlee part of the common?—Yes, I should think very frequently.

1195. I understood you to say that Lord Scarborough does not wish to inclose Stone Green?—No, he would rather keep it open. He would like, if Parliament thinks proper to grant the application, to have some control over it, because now the inhabitants of these wretched places which are built upon it throw rubbish and refuse upon it, which is injurious to the health of the people living

living on the spot; and Lord Scarborough would like to have some control over that, so as to keep it in order for a recreation ground for the villagers living near the spot.

1196. It is, in fact, a village green, is it not?—Yes.

1197. There is nothing in the Order to prevent its being inclosed and cultivated, is there?—No, I think not. It would be of no use for cultivation at all. It is on a hill side, and very rocky.

1198. Then why is it included in the Order?—Because it is desirable to keep it in better order and to regulate it.

1199. Suppose it were put in the hands of the trustees of the parish, like Woodlee Common, would not that meet all the circumstances of the case?—Yes, I daresay it would.

1200. Is it not illegal to inclose a village green?—Although it appears to be a village green, it is a part of the waste lands of the parish of Maltby.

1201. There may be, I presume, rights of common over a village green?—No, no one else claims the right over Stone Green except Lord Scarborough.

1202. It may be part of the common in one sense, and still the village green in another; that is to say, the villagers may have the right of using it for recreation?—Yes, they do so now.

1203. Substantially it is a village green?—Yes, it is part of the waste lands of the parish of Maltby.

1204. Which the villagers have been in the habit of using for recreation?—Yes.

1205. Sir *Walter Barttelot*.] You do not mean to say that you look upon Stone Green as, in the ordinary acceptation of the term, a village green?—Certainly not; we treat it as part of the waste lands of the parish of Maltby.

1206. Where is the village to which it would be the green?—The village consists of these habitations that are built on the green.

1207. They are only a very few?—Yes.

1208. The village is at Maltby?—That is the village.

1209. What you would use as the village green would be Woodlee Green?—That would be used for the village of Maltby. It is too far from Maltby to use Stone Green for that purpose.

1210. How many houses are there at Stone Green?—There are 12 houses built on the waste of Stone Green.

1211. I see Lord Scarborough has property on both sides; supposing that portion of the common should be allotted to Lord Scarborough, is it not his intention to pull down those cottages which you can do better under the inclosure?—Yes.

1212. And to build fresh cottages there?—Yes, that is his intention.

1213. And it is also his intention to take care that the ground in front of those cottages is kept decent and proper?—Yes, that is Lord Scarborough's object.

1214. How many acres is Stone Green?—About three acres altogether.

1215. Then, in fact, it would be a far greater advantage to the whole of that district if new cottages were put up there, and if the front of those cottages were kept tidy and proper, rather than obliging the cottages to be left as they are, with all the dirt and filth thrown out in front of them?—A very great advantage; a much greater advantage than you can imagine unless you were to see it.

1216. Lord Scarborough intends to give five acres, does not he, in a very convenient place, to the village of Maltby?—Yes.

1217. What should you say those five acres would be worth, supposing an allotment had been given upon any one of the commons?—I consider one acre of the land Lord Scarborough proposes to give is worth three acres on the Low Common.

1218. That is to say, the five acres which Lord Scarborough proposes would be equal to 15 acres on the common?—Yes.

1219. Supposing this Committee were to say that these commons ought to be regulated, would Lord Scarborough consent to a regulation of the common?—Certainly not; neither Lord Scarborough nor any other common-right owners would agree to it under any circumstances whatever.

1220. Would it be probable, supposing this was consented to, that the common might be inclosed without coming to Parliament at all?—I should think

Mr. Tippet.
30 April 1879.

think so. There are so few dissentients that I think it is likely they would all agree, and if it could be done, they would inclose it themselves; it is so desirable to do so.

1221. You say absolutely and distinctly that the people of Sheffield and Rotherham never go upon that part called the Low Common or the Far Common?—I should think certainly not. There is nothing at all to induce them to go. It is a most uninteresting country. Two-thirds of it is nothing better than a swamp. I am over it at all times of the year, in the driest weather, and it is still a great part of it almost impassable.

1222. Is there any road leading out from Maltby Far Common into the Tick Hill-road?—There is no right of road, it is a private road.

1223. Mr. *Shaw Lefevre*.] You say Lord Scarborough and the commoners would never consent to a regulating scheme, but supposing they found the inclosure impossible, would it not then be their interest to regulate the common?—No, they would not consent.

1224. Why not?—To make it available for any purpose, the expense of regulating would be so great that they would not undertake it.

1225. Why should the expense be great. The main grievances complained of are the turning out of the cattle illegally, and the cutting of wood illegally, and that some portion of the common, 16 acres, are in a low damp state. Would the expense of regulating in such a way as to prevent those grievances be considerable?—Very considerable. There is the draining.

1226. Are you aware that it is possible under a regulating scheme to sell a small portion of the common to pay the expense?—That may be so, but it would not be desirable, I think.

1227. Why not?—The expense would be so great for the draining.

1228. Surely the expense of draining 16 acres would not be very great?—Yes, it is very great. The difficulty is in getting an outfall; it is such very low land that you want an immense expenditure to get an outfall, for nearly half a mile before you get the water away.

1229. That is in respect of the 16 acres?—Yes.

1230. Not in respect to the remainder?—And a good part of the Far Common as well, would be in the same way. It would be a very serious question. You would have to take it quite that distance.

1231. That, I suppose, would be very complete drainage. I presume that some less complete drainage might be effected, which would not cost so much?—No, nothing less than that. From the fact of its lying very low, and of the land rising all round it, all the water on the high land runs on to it, and at the same time when there are heavy rains and floods it would want a very large drain to take the water away to make it of any use.

1232. Mr. *Pell*.] You would want a catch-water round it, probably?—Yes, no pipe would be large enough. You must have a brick culvert, and to build a brick culvert for half a mile would be a very serious expense, such a thing that neither Lord Scarborough nor the other commoners would undertake; I may say further than that, that if the inclosure does not take place all those people who now turn stock upon the land, for which they pay 1 s. or 1 s. 6 d. a week, would not be allowed to do so. The common-right owners would keep it exclusively for themselves, and not allow the inhabitants of Maltby to make any use of it.

1233. Mr. *Shaw Lefevre*.] How could they prevent it?—They have power to do that.

1234. In what way?—By not allowing them to do it; they are now there on sufferance.

1235. You mean in respect of their cattle?—Yes.

1236. But people would still continue to frequent it as they do now?—That would depend upon circumstances; if they did no damage there would be no objection to their walking over it and taking the chance.

1237. What would be the expense of draining the 16 acres?—I could not say. I have not gone into the calculation about it, but it would be a very serious outlay.

1238. What kind of outlay?—I consider that bringing the land into a proper state of cultivation, the draining and stubbing and fencing which would be necessary, would cost quite as much as the land is worth per acre.

1239. That

Mr. Tippet.
30 April 1879.

1239. That is the whole inclosure, but I am now speaking merely of drainage ; supposing you merely drain the 16 acres, what would that come to per acre at a very rough guess ?—Ordinary draining you cannot do in that country under 7 *l.* or 8 *l.* per acre. Then the outfall would be a very serious expense. That would be the chief outlay. I could not say what it would be without taking levels and making calculations.

1240. Mr. *Pell.*] If the land were inclosed I suppose this main outfall would be constructed ?—Yes, everything would be properly done and the land made available for cultivation.

1241. An individual interest would be created of sufficient value to secure the drainage ?—Yes.

1242. Lord *Edmond Fitzmaurice.*] When these two distant commons are inclosed, what use do you propose to make of them ?—It would be necessary to cultivate them, to grow corn for some time, but they would be better, I think, in grass land ultimately. Grass land is not good in that country, but being low land it is better adapted for grass than for corn land.

1243. You would propose to break it up first of all ?—Yes, it must be broken up and cultivated for several years before you could lay it down for grass.

1244. And you think that would be done ?—Certainly it would.

1245. There is no risk of the land being inclosed and left in its present condition ?—Certainly not ; it is quite intended to carry the whole of the work out properly.

1246. Or of its being simply turned into a rabbit warren ?—No.

1247. Or a game-preserve of some kind ?—No, we do not cultivate rabbits there.

1248. Has your attention been called to the 29th clause of the Act of 1876 in regard to village greens ?—No, it has not.

1249. That clause states that a village green shall not be inclosed on one condition, that it has a known and well-defined boundary. Have you considered whether Woodlee does not come within that definition ?—No, I think there is no difficulty in defining the boundary of Woodlee ; but I do not think it could be treated as a village green at all ; in fact, I have no hesitation in saying that it could not be, because it has not been used sufficiently.

1250. Mr. *Pell.*] It is not near the village ?—It is half-a-mile distant from the village.

1251. Lord *Edmond Fitzmaurice.*] It has never been treated as a village green ?—Certainly not.

Mr. *David Ward*, called in ; and Examined.

1252. *Chairman.*] You are the Mayor of Sheffield, I believe ?—I am.

Mr. *Ward.*

1253. The mayor, aldermen, and burgesses of Sheffield have presented a petition against the proposed inclosure of this Maltby Common ?—We have.

1254. That petition has been referred to this Committee ?—It has.

1255. It appears by that petition that the petitioners pray that no Bill should be passed into law for the inclosure of the commons and waste lands, or any part thereof ?—That is so.

1256. That is the general prayer of the petition, but I suppose the particular prayer of the petition is to keep a certain portion of the land really uninclosed. You do not wish that no inclosure should take place of any portion of the lands ?—We wish that no inclosure should take place.

1257. No inclosure whatever ?—No inclosure whatever.

1258. Then would you allow me to ask what is your objection to any inclosure whatever taking place of any part of these waste lands ?—We have a population in Sheffield of close upon 300,000 inhabitants, and we think it very desirable that the open spaces should be left open for the benefit of those who wish from time to time to enjoy recreation thereon.

1259. Are you acquainted with Maltby, and its neighbourhood ?—I know Maltby.

1260. Take two of the places which have been mentioned. Do you know the common land which is now called the Low Common, and the common land now called the Far Common ?—I have never been on those commons myself, but Maltby itself I know.

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1261. Look

Mr. Ward.
30 April 1879.

1261. Look at that map and see what it is I am referring to?—I have a plan which shows it here.

1262. Do you know the character, to begin with, of these lands?—I know the character of these lands.

1263. They are swampy lands?—Woodlee Common is not swampy.

1264. I am not talking of that at all, but of the Far Common and the Low Common?—In the winter time, no doubt, it is; that is to say, the Low Common, but not the Far Common.

1265. Do the inhabitants of Sheffield make use of the Far Common as a place of recreation?—In the summer time, doubtless.

1266. Of the Far Common?—Yes.

1267. We are told they make use of Woodlee?—Likewise.

1268. That is on the direct road to the Abbey, of which we have heard a good deal?—The high road passes through it.

1269. Then the main ground of your objection is that you want all these spaces to be kept unclosed in order that the inhabitants of Sheffield may come over there and have their recreation upon those grounds, which are now in an unclosed state; is that so?—That is so.

1270. Sir *Walter Barttelot*.] I think you stated, and stated very distinctly, that you had not been upon the Low Common or upon the Far Common?—Quite so.

1271. Therefore you are not able to state, of your own knowledge, whether the Low Common is a swampy, marshy place, or whether it is not?—Of my own knowledge I am not able to state so. I simply see it by the map here.

1272. And of your own knowledge, you are not able to state that anybody from Sheffield has been upon either the Low Common or upon the Far Common?—I am able to state that.

1273. From information you have received from people that have been there?—From people that have been on the spot.

1274. But from people from Sheffield?—From people from Sheffield that have been there.

1275. Any number?—Not numbers, but people who have been there.

1276. It is an important thing, in dealing with a case of this sort, that we should have absolute and direct evidence, because we know the great claims of a large town like Sheffield, with its 230,000 or 240,000 inhabitants, to have spaces left for it that are proper spaces for the recreation and amusement of the people, but we are also informed that this portion called the Low Common is of so absolutely swampy and bad a nature, that nobody could go on it for any pleasure or any amusement; now I want to know whether you of your own knowledge know that that is the usual resort for a large number, not one or two or a few people, but a large number of the people of Sheffield?—I am not able to assert that.

1277. But what you are prepared to say is that Woodlee Common is a most healthy place for recreation?—Woodlee Common is doubtless so.

1278. And a great many people from Sheffield and Rotherham, and other places, come to the healthy village of Maltby for a change of air, and they do use Woodlee Common?—Yes.

1279. You have heard since you have been in this room that it is not proposed at all to inclose that portion called Woodlee Common?—I have heard that.

1280. And you have also heard that the Earl of Scarborough, as to that lower part of the common near Roche Abbey, called Stone Common, that is to come to his share, does not propose to inclose that, but merely to improve it very much?—Just so.

1281. So that those two portions will be open, at any rate, for the inhabitants of Sheffield and Rotherham, and all the other places, to resort to as they have hitherto done?—A small portion would still be left, no doubt.

1282. Mr. *Shaw Lefevre*.] Is there a strong feeling on this subject in Sheffield?—There is at the present time a very strong feeling.

1283. Was the subject brought under the notice of the town council?—It was, in March.

1284. Was the petition signed at the town council?—At the council.

1285. Unanimously?—Unanimously.

1286. And

Mr. Ward.

30 April 1879.

1286. And was there a strong feeling exhibited there?—A very strong feeling.

1287. Is there much uninclosed land now in the neighbourhood of Sheffield?—Very little indeed; in fact, only two places that I know of.

1288. What are they?—Lyndrick Common and Maltby.

1289. *Chairman.*] How far is Lyndrick Common from Sheffield?—Lyndrick Common would be about 12 miles from Sheffield.

1290. *Mr. Shaw Lefevre.*] Is it the fact that a considerable number of persons from Sheffield go to Maltby and take lodgings there, with the view of enjoying the common and the country?—I am informed that numbers go there every summer.

1291. Supposing it be the fact that at present the condition of Maltby Common, from being undrained, is not so suitable for recreation as it might be, would that be remedied by regulation, or might it be?—Doubtless.

1292. And in that case, do you think it would be even more enjoyable than it is now?—Of course it would be so.

1293. And would the people of Sheffield prefer that the whole of the common should be regulated instead of a portion of it being inclosed?—No doubt they would.

1294. Do you think that the people of Sheffield and the town council when they signed the petition understood that Woodlee Common was not going to be inclosed?—When the town council signed the petition they were aware that Woodlee Common was not going to be inclosed. The thing had been ventilated in the papers from time to time.

1295. It has been alleged before this Committee by the Assistant Commissioner that the petition was got up under a mistake, and under a misapprehension that the whole common was going to be inclosed?—That is not so.

1296. You think it was well understood by the town council when they signed the petition that the Woodlee portion of the common was to be left open, and that the inclosure was to affect the other portion?—That was the case.

1297. Notwithstanding that, they still petitioned against the inclosure?—Yes.

1298. Has the town done anything to secure recreation grounds in the immediate neighbourhood?—Latterly the Duke of Norfolk has devoted some 26 acres for the benefit of the people of Sheffield.

1299. I presume that they would be a very different class of people who would go out of the town some distance and take up their abode at Maltby for the sake of the healthiness of the neighbourhood?—Partly that, and partly they go to spend the day; they take a carriage and pair, and go there for the day.

1300. *Chairman.*] Picnic parties?—Picnic parties.

1301. *Mr. Shaw Lefevre.*] Rotherham, we are told, is about six miles from the common; do you know whether there is a strong feeling there also?—I learn by the papers there is a strong feeling.

1302. Is Rotherham represented here to-day?—I am not aware.

1303. The town council of Rotherham have also presented a petition?—They have.

1304. Have any other places?—Not to my knowledge.

1305. *Mr. Pell.*] I suppose you do not claim to have any right, as representing a town, to this common?—No, we have no right, so far as that is concerned.

1306. You merely represent the general expression of feeling in favour of keeping spaces open that can be reached with a pair of horses in a day for a picnic?—We consider it very desirable for a town of the extent of Sheffield that there should be these open spaces.

1307. You are aware that if these spaces are kept open they will be kept open to a certain extent at the cost of the parishioners of Maltby?—Just so.

1308. Would you be ready to make any concessions to the parish of Maltby of the same nature, such as to keep a theatre open for them free?—That is a thing I have never gone into at all.

1309. If I may venture to ask you, what should you think of the proposal; a very slight rate would do it?—Well, I think the thing absurd.

1310. Why absurd?—To keep a theatre open at Maltby?

1311. No, in Sheffield, on behalf of the people of Maltby, as a place of recreation?—I can give no answer to a question of that kind.

1312. But do you contend that your enjoyment of these commons should be obtained at the cost, in any degree, of the people of Maltby?—I should imagine that the cost would be very slight indeed.

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1313. You

Mr. Ward.
30 April 1879.

1313. You also admit you have no legal right?—The benefits the people at Maltby would derive from people going down and staying at Maltby in lodgings would be certainly quite an equivalent.

1314. You mean travellers going to the public-houses?—No, from those who go and take lodgings at Maltby from time to time.

1315. Do they take lodgings now?—Yes, they do.

1316. Mr. *Shaw Lefevre*.] Supposing this common were within six miles of Sheffield the town would be entitled to contribute to the regulation of it?—Yes.

1317. Supposing this clause of the Act could be enlarged so as to enable a great town like Sheffield to contribute to the regulation of a common such as this at Maltby, do you think there would be any difficulty in getting the people to make that contribution?—It is a thing they very much desire to do.

1318. Unfortunately the Suburban Common Clause is so limited, that it is only any common within six miles, and the line must be drawn from the centre of the town; the object of my question was to know whether, supposing that clause was extended, the people of Sheffield would be willing to make contributions to that regulation?—That I have no doubt they would be very willing to do.

1319. It has been alleged to this Committee that the great objection to a regulation scheme with reference to Maltby Common is the great expense of drainage; and it has been said that the drainage would come to 6 *l.* or 8 *l.* an acre for 16 acres and the expense of the outfall; supposing it were possible to extend that clause of the Act of Parliament, would the town of Sheffield be prepared to contribute towards the expense of regulation?—Certainly.

1320. And that difficulty against the regulation would, therefore, be removed?—Just so.

1321. Mr. *Pell*.] We are all agreed with reference to the Woodlee part of the common, but have you heard any desire expressed on the part of the good people of Sheffield to occupy their time in wandering about on this swamp?—You mean Maltby Low Common; no, I never heard them express an opinion upon the subject.

1322. Still you present a petition to-day which embraces that?—The whole scheme; quite so. Doubtless when people are at Maltby they visit all those places.

1323. But do you really press the Committee to keep this swamp open; are these people at Sheffield so fond of ague and wet feet that they desire to maintain this swampy ground to walk about upon, two miles distant from these places?—I should imagine that no evil whatever would accrue. Anybody going there in summer time would find that they would not be subject to any ague whatever.

1324. Lord *Edmond Fitzmaurice*.] A person might go and botanize there, I suppose?—There is no doubt about that. We have a gentleman connected from the Free Naturalists' Society here to-day.

1325. Mr. *Pell*.] You really think they make a point of maintaining the swampy part?—I feel very sure of this, that the inhabitants of Sheffield are all very desirous of keeping these places open.

1326. Was this all considered; the different plots?—The whole lot.

1327. Might I ask you this, I do not know whether it will be a breach of confidence on your part to tell me: was any question raised as to whether this powerful corporation of Sheffield might not probably be doing an injustice to the poor feeble community of Maltby?—No, the question was not raised.

1328. Mr. *Leveson Gower*.] Do you object to all inclosures generally, within 12 miles of Sheffield?—Yes, decidedly so. If there were any open commons we should object to their being inclosed.

1329. Then it is nothing peculiar in this common that makes you object to it, but generally you object to the inclosure of any commons within that distance?—On the ground that it is desirable to keep these commons open for the public good.

1330. Mr. *Cowper*.] There is only one other besides this?—Only one that I know of, and the population of the town increases at the rate of 6,000 a-year.

1331. Mr. *Leveson Gower*.] Are there no uninclosed spaces surrounding Sheffield to which the public have access?—I am not aware of any other.

1332. How came you not to petition the Inclosure Commissioners against this inclosure?

inclosure?—Well, I am not aware that we had any *locus standi* in the matter at all.

1333. You think you have a *locus standi* for petitioning us, but not the Commissioners?—Quite so.

1334. Lord *Edmond Fitzmaurice*.] The case is this: that as you were outside the six miles limit, you could not petition the Commissioners, but that rule does not apply to petitioning the Committee of the House of Commons?—Just so.

1335. Did you hear the question I asked just now of the Assistant Commissioner in regard to the risk that if this Committee declined to recommend this scheme, those lands, to the inclosure of which you object, may be inclosed by the action of the parties alone?—I heard you put the question.

1336. Had you considered that point when you petitioned?—I had not considered it then.

1337. You were not aware of the law on the question, in fact?—I was not aware of the law.

1338. Although, perhaps, you have only had a very short time to consider it, is your opinion in any manner modified by your knowledge of the law as it stands?—Does the law now permit the inclosure if they agree to it?

1339. Decidedly?—I should imagine if such a thing were to take place that there would be a great hubbub throughout the country. If they were to lay their heads together for the purpose of inclosing a certain piece of land, there would be very great dissension throughout the country about it.

1340. No doubt; but you heard the replies given to the questions which I asked, and they amounted to this: that it is perfectly possible, if not probable, that if this scheme were rejected, either by this Committee or by the House of Commons, that the parties interested, that is to say, the lord of the manor and the owners of common rights, might agree to inclose the whole of these lands without coming to Parliament, and they might probably oust not only the interests of the poor, which are secured under the Act of Parliament with reference to recreation grounds and allotments, but also entirely oust the more indirect interests of the towns of Sheffield and Rotherham?—I heard that question put.

1341. Do you not think that that might very considerably modify the opinion of the town council of Sheffield?—I do not think it would.

1342. You mean that they would prefer to take their chance of losing whatever benefit they get under this Provisional Order by Woodlee being shut out for ever, to accepting the scheme as it is proposed?—I think they would prefer it.

1343. Mr. *Shaw Lefevre*.] Upon that point are you aware that under the Commons Act if a common be within six miles of a town of 5,000 inhabitants, the local authorities may purchase a right of common attaching to a common, with a view of maintaining the common?—I am not aware of that.

1344. Are you aware that the Corporation of London have, in pursuance or in extension of that clause, obtained power under a private Act to purchase any right of common in respect of any common 25 miles from London, with a view of keeping open such common?—I was not aware of that.

1345. And not only that, but they have obtained power to contribute money for the maintenance of any suit for the purpose of keeping the common open?—I was not aware of that.

1346. I asked the question with a view of suggesting whether the Corporation of Sheffield should not obtain, if there be any danger of the inclosure of this common, a private Act, not dissimilar to that which the Corporation of London have obtained, namely, obtaining power to protect themselves against the inclosure of any common, by buying any common right affecting it. Do you think they would be willing to take any step of that nature, which would assist them in keeping this common open?—I should imagine the Corporation of Sheffield would do so. May I be allowed to state with reference to the last evidence that has been given, that we find, on reference to the plan here, that this piece of ground, that is Maltby Low Common and the Far Common, lies betwixt Maltby Wood and a long plantation. It has been stated that this ground is not suitable for growing grass, but would be very suitable indeed for growing corn. On reference to the plan, we find that any corn grown there would be certainly devoured by game, and it looks far more likely, as far as I can see, that this strip

Mr. Ward.
30 April 1879.

of land would be planted with timber for the very purpose of enlarging the plantation.

1347. From the configuration of the ground it looks very suspicious?—Yes, it does.

1348. Lord *Edmond Fitzmaurice*.] The lord of the manor can plant, subject to not injuring the rights of pasture?—I do not know that.

Mr. *William Henry Brittain*, called in; and Examined.

Mr. *Brittain*.

1349. *Chairman*.] I BELIEVE you are the Master Cutler of Sheffield?—I am.

1350. You were present in the room while the mayor of Sheffield was examined?—I was, the greater part of the time.

1351. A petition has been presented on behalf of Sheffield against the inclosure of any part of these waste and common lands of the parish of Maltby?—Any part of them.

1352. First of all, I will ask you, generally, whether you agree with the evidence which has been given by the mayor; do you think it would be a very great injury to the town of Sheffield if the Provisional Order now before the Committee were to be passed without any modifications?—I think it would.

1353. It has been in evidence before us that the different parts of these inclosures which are contemplated by the Provisional Order rest upon very different grounds as regards the great portion of the public who go for recreation into the neighbourhood of Maltby. Now the Low Common and the Far Common are not lands upon which it would be convenient, nor is it usual, for parties to go on pleasure to take their recreation, being swampy, and anything but comfortable apparently?—I have heard so.

1354. Do you think that the people of Sheffield were aware at the time they petitioned so strongly against any inclosure of those parts of the common that it was not intended really to inclose that piece of common called Woodlee, and that that would be left open for those who go for their recreation from Sheffield, or for their health, or for their amusement, whatever it might be, just as much as heretofore?—The vote of the council was taken distinctly with that understanding, and Mr. Leader, who proposed the resolution, and who is present in the room now, explained fully, so that the council should understand on what they were voting, that a certain part called Woodlee Common would be left open, but the other portions, the Far Common and the Low Common, would be inclosed, and it was distinctly on that understanding that the council voted in favour of a petition against this Provisional Order.

1355. But did they consider, do you think, that they had any particular advantage to be secured to them by the non-inclosure of these two pieces of swampy ground?—As an individual, I think there is a great advantage to visitors from Sheffield by the non-inclosure of these two pieces of ground.

1356. Even although they are not made use of for that purpose?—I have used them myself, and found very little swamp in either of them. The Low Common has a pool of water in one corner of it, and it may be called a little soft or boggy in that corner near the pond, but in the upper part of it I have failed to find a swamp up to the present time.

1357. Did you hear that part of the evidence which has been recently referred to, from which it appears that, if this Provisional Order was not confirmed, it would be open to the lord, and to those who have commonable rights in Maltby, to make an inclosure, independent of any inclosure which would otherwise have been made by a Provisional Order confirmed by Parliament?—I have heard that, and I was very sorry to hear it; but it would not, in my opinion, change the action that it would be desirable to take, because I can scarcely believe that that would be done. At all events, such towns as Sheffield and Rotherham would try their very utmost, I should think, to prevent anything of that nature. I should think that they would consider it to their interest not to allow that to be done, if they could by any means, or by any legislation, prevent it.

1358. Even although they get Woodley Common permanently secured to them, without any opportunity of it ever being taken from them?—They would not consider that an equivalent for being deprived of the other two pieces of land as common land.

1359. Lord

Mr. Britain.

30 April 1879.

1359. Lord *Edmond Fitzmaurice*.] Could the mayor and corporation of Sheffield adopt any means of preventing this, assuming that a common-law inclosure was attempted?—I do not know. It is not for me to say exactly what steps it might be desirable to take, because it might be really a question of law. Of course, I am speaking in the presence of law makers, and I speak with very great deference to them, and diffidence; but if that is the law, I am very sorry to hear it, for I do not think it is a very just law. At all events, whatever legal steps could be taken by a town like Sheffield, to prevent that, I have not the slightest doubt would be taken.

1360. You may take it from me, that nothing short of a private Bill would prevent it?—We have had practical experience of introducing private Bills in Sheffield, but we might, perhaps, have again to resort to that.

1361. Do you think you would have any considerable chance of passing a private Bill interfering with the rights of private owners, with reference to a matter which Parliament has recently regulated by a general Act of Parliament?—It is not for me to say: I do not know.

1362. But still you think that, even if the town council of Sheffield had been aware that that was the condition of the law, they would nevertheless have persevered in their opposition?—I think they would.

1363. Mr. *Cowper*.] The Sheffield people do not go in any great quantities to this Low Common and Far Common?—I cannot say that they go in considerable numbers, but I do know, when I have been there myself, I have seen others there on the Far Common and on the Low Common; Sheffield people, whom I knew.

1364. But the mass of the people go to this other place?—That is nearer to the village, but it is not level. Woodlee has a slope, with a very bad gradient for recreation. The gradient is, in some parts, something like one in two, and a considerable part is one in four, one in five, and one in six. I should think that, for the purposes of recreation, the Far Common is very far superior to the Woodlee Common. The Far Common is the one that has not been mentioned as being not altogether a swamp.

1365. The Far Common is someway from the road?—It is a little further; I may say, with reference to the Far Common, I have heard it stated in this room that there is no right of way from the Far Common to the highway except that lane which leads to it, and that that is an additional reason for wishing to preserve it. It is one of those beautiful green lanes of which we have far too few remaining in this country.

1366. That is the road that has been spoken of by a previous witness as a private road?—By the agent of Lord Scarborough; that is a private road leading to the common only; he said that from the common there was no public road forward to the highway.

1367. Mr. *Pell*.] I suppose the continued greenness and shadiness of this lane depends on the will of Lord Scarborough; it is his private property?—I thought that the public had a right to pass through that lane to the common.

1368. But not to require the trees to be kept growing which shade it?—I did not know that the trees were the private property of Lord Scarborough; I have helped to cut them myself; I know that in my young days, when I have spent considerable time enjoying myself on the common, and trying to find objects of natural history and various botanical specimens, that I have found it exceedingly rich and of great value to all Sheffield students, and that I consider a very strong reason for not inclosing it. I should state, and this is a matter to me of very great importance, that looking forward to the visit of the British Association to Sheffield on the 28th of August next, there is a committee appointed to prepare a guide book of Sheffield and the vicinity, and that in preparing a list of the flora and the fauna of the Sheffield district fully three-fourths are found on those commons of Maltby, and that the bog, so far from detracting from the value of that as a place for natural historians, adds very much to it, because other plants grow where the ground is damp than those which grow where it is dry; and that is about the nearest point to Sheffield where you find the plants that grow on the limestone. That is also a most important thing that at Conisborough, and in the neighbourhood of Roche Abbey, and at Maltby Common, you have limestone, and it is the nearest point at which you can find certain plants.

Mr. *Brittain*.

30 April 1879.

1369. Are you not a botanist yourself?—I was fond of it as a boy.

1370. Do not you think, if I may ask you that question, that when you have published your list of the flora, and indicated the spots where the comparatively rare plants are to be found, they will not exist much longer; is it not the practice, not only of townspeople, but others, to pluck up and root out a rare plant for the sake of the specimen?—I think a true botanist would be very reluctant to destroy in that way the vestiges that remain of certain rare plants; I think that they would be much more likely to preserve them than destroy them.

1371. Mr. *Shaw Lefevre*.] Do you agree with the last witness that there is only one other common within easy reach of Sheffield?—I do not know another; there is Lyndrick Common, which is near to Shireoaks.

1372. And that there is a strong opinion amongst the town council and the people of Sheffield that whatever remaining open spaces there are within reach of Sheffield should be kept open?—A very strong feeling.

1373. Do you agree with him that if some plan could be devised by which Sheffield should contribute to the regulation of this common, that the town council would be prepared to undertake that expense?—They would do it with the greatest pleasure, I have no doubt; or the Sheffield Naturalists' Club would be glad to bear any expense that might arise, and private individuals in Sheffield would be glad to do so.

1374. Then all the difficulty of regulating the common as one of expense, you think, might be got over?—I think it is not worth much.

1375. Did you hear the questions I put to the last witness with reference to the special facilities which have been given to the Corporation of London for protecting and regulating commons within 25 miles round?—I did, and I was very much pleased to hear it.

1376. Do you think that the Sheffield people are likely to make any such claim as that themselves for the protection of what open spaces remain within their reach?—There are so few open spaces that there seems to me no necessity for it. There is no doubt they would be glad to do so if there was much to preserve, but there really seems to be very little to preserve.

1377. The noble Lord, the Member for Calne, asked you some questions with reference to the possibility of this common being regulated outside the Inclosure Commissioners and outside the authority of Parliament; probably you have heard from evidence given here to-day that there are 28 persons interested in the common?—Yes.

1378. Do you think it would be difficult for these 28 persons to agree together; as a matter of business, would it not be very difficult for 28 persons to agree on a common-law inclosure?—I do not know much about that matter; it is beyond my knowledge.

1379. Sir *Walter Barttelot*.] You would not like the common to be regulated if it did away with your specimens, I presume?—Well, I should like the specimens to be preserved as far as possible as an additional enjoyment for those who visited the common, but I do not see that regulating the common would necessarily interfere with the preservation of these beautiful specimens.

1380. I thought you told the Committee just now that on the lowest and dampest and most undrained parts there were certain flowers which were all the better for the lowness and dampness of that spot?—I believe I said there are certain plants that naturally grow in places where there is moisture, and it would be a question whether it is desirable to sacrifice those plants for the benefit of the greater number, and properly drain the land. It would be desirable to drain it rather than that the greater number should not enjoy it. The interests of naturalists should be sacrificed for the benefit of the greater number.

1381. Then you think it would be advisable to drain the common?—It is quite possible that it may be very desirable.

1382. I think you stated you had seen several people from Sheffield on that portion of the common?—Quite so.

1383. But not in very great numbers?—I never saw any great numbers there. It is a considerable distance from Sheffield, and parties do not go in very great numbers.

1384. And those two parts of the common are particularly inconvenient to get at?—A beautiful lane leads to them, and I consider it very convenient.

1385. Is not that lane very damp?—I never found it very damp.

1386. Will

Mr. *Brittain*.

30 April 1879.

1386. Will you state, holding the position you do as one of the principal inhabitants of Sheffield, that any large number of Sheffield people have made use of those two further portions of the common?—I can only tell you what I know of my own knowledge. I have seen a number of Sheffield people on those commons.

1387. Will you state to the Committee what you call a number, giving me the greatest number you have ever seen on the common at one time?—I have not seen more than two or three, whom I could identify as Sheffield people, at the same time.

1388. And Sheffield has a population of 240,000?—Nearly 300,000.

1389. And two or three people, you think, represent a large number of people on the common at one time?—With 365 days in the year, and as I happened to be there on one day and saw more than one person, I consider that proves that those commons are very considerably used.

1390. But you must know as well as I do that it is only upon certain days, such as bank holidays and other days, that the people in this very useful town, that we all so much admire for its industry, are able to get away from their work?—I must beg pardon. We have a day which is called a saint day, and that is Monday. There are very few people work on Monday and comparatively few on Tuesday, and, in fact, in Sheffield wages are so high that there is very little work done till the end of the week.

1391. Do they get as far as the public-house at Maltby, or do they remain at the public-houses in Sheffield?—I am speaking of those who have gone beyond the public-house in Maltby. I never went there myself.

1392. Lord *Edmond Fitzmaurice*.] I suppose you think that the shutting up of those commons would rather have a tendency to drive people into the public-houses?—It would be, perhaps, desirable to say so, but I have never formed an opinion on the subject.

1393. Mr. *Shaw Lefevre*.] Are there many populous villages in the immediate neighbourhood of Sheffield?—There are a great number of populous villages in the immediate neighbourhood of Sheffield.

1394. Is it gradually extending?—Very much. The town of Sheffield extends so much that it seems to be filling up very rapidly the line of green fields which formerly existed between it and the villages which surrounded it. Sheffield is increasing very much.

1395. And all the country round?—All the country round seems to share in the prosperity of Sheffield.

1396. And is becoming a very populous district?—And is becoming a very populous district.

1397. Mr. *Pell*.] You have a great deal of very beautiful scenery near Sheffield; for instance, at Bradfield, the place where the reservoir is?—We have, all round Sheffield.

1398. There is not that very great reason for making an exception in this instance, to secure scenery, that you would have in the case of some town where the country is ugly?—I think there is greater reason, because the beautiful scenery about Bradfield all consists of preserved land, and it is so all round Sheffield.

1399. Mr. *Walsh*.] Maltby is about 12 miles from Sheffield?—I believe, 11 or 12 miles.

1400. What means are there of getting to it from Sheffield?—By driving generally; but those who cannot afford to drive (and a great number go there to enjoy the scenery about Maltby, who like to go to Maltby on economical principles) go as far as Rotherham by railway.

1401. What distance is Rotherham?—There are six miles to travel from Rotherham, but a great number walk from Rotherham. There are two railways from Sheffield to Rotherham.

1402. Sir *Walter Barttelot*.] How far has Sheffield gone out on the Rotherham road beyond Attercliffe?—I imagine nearly a mile beyond Attercliffe.

1403. And all that is a very large district?—A very populous district.

1404. Mr. *Shaw Lefevre*.] Is there a very strong feeling at Rotherham upon this subject?—I do not know. I can only speak of Sheffield. The feeling at Sheffield is very strong.

1405. The people of Rotherham also petition through their corporation?—I believe so; I have heard so.

Mr. Robert Leader, called in; and Examined.

Mr. Leader.
30 April 1879.

1406. *Chairman.*] ARE you one of the inhabitants of Sheffield?—One of the Town Trustees of Sheffield, and a member of the Town Council.

1407. You have heard the evidence of the last two witnesses?—Yes.

1408. And I suppose, coming from the same town, you very much concur in their evidence?—Yes.

1409. Do you concur generally in the opinion expressed by the last witness, that to secure to the town of Sheffield, I will not say to Sheffield only, but to secure permanently the open space called Woodlee Common, so that those who come from the town of Sheffield, and those who come from other towns and villages in the neighbourhood, can enjoy that open space permanently, is no compensation to them for the inclosure of that which the inhabitants of Maltby desire independently of Woodlee; namely, the inclosure of the other parts?—I should say so certainly, that it is no compensation.

1410. Have you any additional reason to offer, besides those which have been pressed upon us, why the Provisional Order should not be confirmed?—I think the natural configuration of Woodlee makes the calling it a recreation ground perfectly absurd. It is a rocky, precipitous hill-side, with an incline of 1 in 2, 1 in 3, and 1 in 5. There is a drop of 100 feet within a very short distance, and the only bit of level is that at the top, across which the turnpike road runs, so that anyone playing cricket or football there practically plays on the turnpike road, and with that steep descent their balls would be perpetually going down there. It is impracticable as a recreation ground.

1411. As a cricket ground?—Excepting for the boys. Boys may play there, but as to men using it as a recreation ground, it is quite out of the question.

1412. *Sir Walter Barttelok.*] Where is the 26 acres that the Duke of Norfolk has given to the town of Sheffield?—They are in three different places within about a mile of the parish church, on the east and north sides of the town.

1413. What has become of the old cricket ground?—It is still maintained there.

1414. And there are no other places except those which the Duke of Norfolk has given within the town of Sheffield?—Excepting a park which Mr. Firth has given.

1415. How many acres is that?—I think about 36 acres, and then there is a small piece of 12 acres (Weston Park), which the town council have purchased; and there has been a proposition just now that it should buy a part of the old Crookes Moor, which was inclosed in the early part of the century without any reservation of space for the public, and the owners want 900 *l.* or 1,000 *l.* an acre for a very rough spot indeed.

1416. Is there no uninclosed ground out beyond the new barracks?—I think not. I do not know any out there. You get to Lord Wharnccliffe's property out that way. I think there is no common ground there.

1417. There used to be some uninclosed ground in that district of considerable extent, in olden days; I do not know what there is now?—I do not know it. There is Lord Wharnccliffe's property, where he very kindly allows people to go, but it is private property.

1418. With the exception of the places you have named, there is no uninclosed ground in the large town of Sheffield?—I do not know of any. (*Witness omitted to name the Norfolk Park of about 20 acres.*) We are most disastrously situated in that respect, and that makes us the more earnest not to lose this bit.

1419. *Mr. Shaw Lefevre.*] You agree with the mayor that it is of great importance to Sheffield to retain what few open spaces there are?—Very great importance.

1420. And with the exception of Maltby, there is only one other common within reach?—There is Lindric Common, which is 14 miles from Sheffield, which is threatened with inclosure, and a small common eight or nine miles from Sheffield, Apperknowle Common.

1421. What is the size of that?—I scarcely know, I should think it is from 12 to 15 acres.

1422. Quite a small place?—Quite a small place, and very much out of the way.

1423. You

1423. You moved the resolution yourself in the town council?—Yes.

1424. Was there a strong feeling on the subject?—Quite unanimous. At the end of a long meeting the council waived the motion of adjournment in order to let me move so that the chance should not be lost.

1425. Do you agree with the previous witness, that if any plan could be formed for the regulation of the common involving some expense, that the corporation of Sheffield would be prepared to contribute towards it?—I could hardly give an opinion about that. We have so much to spend nearer home, and times are so bad with us.

1426. Supposing that the expense of regulation would not be considerable in proportion to the value?—I should think it would be considered that Rotherham should move rather than we.

1427. Is there a strong feeling in Rotherham on the subject?—Yes. I saw the mayor, and the town clerk, and two or three other gentlemen of Rotherham on Monday last.

1428. It has been suggested by the Assistant Commissioner that the interest of Rotherham was to be measured by the fact that a former petition was presented to the Committee by the common hangman; do you think that a fair illustration?—It is not a fair illustration. There was a man who occasionally performed the duty of hangman, and he lived at Maltby; I think he died within the last year and a half.

1429. And that petition was not by the corporation?—No; it was a Maltby petition.

1430. A petition against the inclosure, but not by the corporation of Rotherham?—The corporation of Rotherham petitioned.

1431. But the petition referred to is the one which was presented through the common hangman?—That was a Maltby petition. The Rotherham Literary and Scientific Society, I believe, also petitioned.

1432. Rotherham is about six miles off?—Yes; under the Bill, as it passed the Commons, Rotherham would have been within the boundary, for a portion of Rotherham is within six miles of the common itself; but when you have to measure from the parish church or the Market Place, it just puts it outside.

1433. If the Act had passed in the shape in which it passed the Commons, then this common would have been a suburban common to Rotherham?—It would.

1434. And Rotherham, then, would have been entitled to contribute to the regulation of it, as it would do to any other suburban common; but in consequence of the measurement being taken from the centre of the town, it is no longer in that category?—It is just outside. I should like to add that I have made some inquiry as to the number of people going from Rotherham and Sheffield. I inquired of the principal man who lets out carriages and horses in Rotherham, and he told me in an ordinary state of prosperous trade he sent an omnibus and about 20 carriages every Thursday, in the summer, to Maltby, and he says he believes about an equal number go from Sheffield. There are only two days in the week on which Lord Scarborough throws open Roche Abbey, so that that practically limits the excursions to those days.

1435. Is it a fact that a considerable number of the inhabitants of Sheffield take lodgings at Maltby?—I am told that about 20 families last year took lodgings at Maltby, and I am sure, to them, this common, for sending their nurse girls and children out upon, is a great convenience. The swamp has been spoken of. I have ridden over that common many times, and have never found the swamp. In one corner the map shows a pond, and, no doubt, the water is drawn to that pond, and round that pond, very likely, it is sloppy; but I have never got bogged in riding over it, and I have ridden over it in every direction.

1436. It may be swampy in winter?—Yes, when all ground is heavy.

1437. But when you have ridden over it, you have not found it in that condition?—Not at all.

1438. And from the configuration of the land, you say Woodlee is not suitable for recreation ground in its ordinary sense?—It is entirely out of the question, except by the side of the turnpike road.

1439. Would the Low Common be fit for recreation in that sense?—The Low Common and the Far Common, I believe, would. Perhaps I may be allowed to show you this on the plan. One of our principal surveyors marked me the

Mr. Leader.
30 April 1879.

gradients on Woodlee Common. They are one in two, one in three, and one in five, and the dip is 100 feet from the level of the road.

1440. Therefore, although it would be very desirable in the interests of the public to keep it open, it could not be used for games, such as cricket, and so on?—Not at all. It is desirable to have it open, and, in fact, it is not worth inclosing. I may also add that it is studded over with limestone rocks.

1441. Have you been over Maltby Far Common?—Yes.

1442. What is the condition of that?—I believe it is drier ground than Maltby Low Common. It is very much like it. I know it by having ridden that way frequently.

1443. Is it flat or hilly?—It is a nice level piece of ground. If the village wants a recreation ground, that is the place to make it.

1444. Mr. Pell.] Is it a long way off?—About a mile off.

1445. Mr. Shaw Lefevre.] Are there not trees there?—There are some shrubs, some stunted trees, but not trees that could be called timber; there are a good many shrubs.

1446. Looking at the position of this land, with reference to the enormous woods there, do you think it is at all likely to be cultivated for corn?—I think it would be a game preserve.

1447. From the very position of it?—It lies between the wood and Lord Scarborough's park.

1448. Do you think, looking at that enormous wood where game is preserved, that it would be a profitable thing to grow corn there?—Well, the members of the Committee know about that better than I do.

1449. Mr. Pell.] Recreation will never be got very cheaply for the Sheffield people at Maltby, I suppose?—They are picnic parties who go.

1450. It requires the assistance of horses and carriages to get there?—Yes.

1451. Therefore it is hardly the lower classes, I suppose, that will be able to have the benefit of it?—It will make the people who go there more select, which the inhabitants will prefer, I daresay.

1452. Still, you weaken your position very much when you demand this, or ask for this upon public grounds, do you not, when you admit that it will be enjoyed in practice only by the upper classes or by those who have the means of hiring horses and carriages?—In the ordinary state of trade many of our working classes are enabled to indulge themselves in horses and carriages for an excursion of that kind. A man may go in an omnibus very cheaply for ten or a dozen miles.

1453. Then that weakens a man's opportunity of making provision for bad times?—If a man is extravagant in good times, he has the less to prepare for a rainy day with.

1454. Therefore, you morally would be offering an inducement to people which would interfere with thrift, would not you; I am speaking seriously about it, speaking of the class that you just mentioned?—The Committee hardly need a witness to give an opinion upon such a matter as that; any gentleman could judge of that as much as I can.

1455. Is there any probability of a railway being made there?—There is no improbability. I know of no probability, but there is nothing in the nature of the country to offer impediment.

1456. Sir W. Barttelot.] Have you ever been at Greenwich Park yourself?—Yes.

1457. Do not you know that one of the principal amusements there is obtained by the steepness of the land; standing at the top of the hill, at least it was in my young days, and running down to the bottom, accompanied by a lady?—But Greenwich Park is not studded over with limestone rocks.

1458. But still, I mean, sometimes the gradient of the ground conduces to recreation?—There is great fun in running down a steep hill for young people.

1459. I suppose there is a fine view from this high land?—It is not remarkably high. Still the views are good, but not remarkable for us who have a mountainous district about us.

1460. Lord Edmond Fitzmaurice.] Is the neighbourhood of Sheffield well provided with rights of way?—Yes, and that reminds me that I believe there is a right of way over this common. If I were walking or riding to Lord Scarborough's

Scarborough's house I should go by these two commons as the quickest way from the village of Maltby.

1461. The inhabitants of Sheffield, then, are not confined merely to walking along the hard, high road. They frequently can go across the fields by recognised rights of way?—Those are very much diminished as the town extends. I remember many delightful country lanes when I was a boy, which have changed their character, and are now pitched streets.

1462. You do not mean that they have been stopped up?—No, I do not mean that there has been much stopping up.

1463. With regard to this proposed recreation ground, is there much cricket played in the neighbourhood of Sheffield?—A great deal.

1464. Do you know if the inhabitants of Maltby are addicted to that game?—They have a cricket club.

1465. Where do they play?—I am not sure. It is to play really on the turn-pike road, on that scrap of ground opposite it on the upper side of Woodlee; but, as I told you, it is exceedingly narrow, and a very unfit place.

1466. You do not mean that they have played matches there?—No, they would not play matches there. I do not know where they play their matches.

1467. Do you happen to know whether there is a regular cricket club, with a regular ground, at Maltby, so that the village of Maltby is already provided with a recreation ground so far as cricket is concerned?—I believe they have nothing in their own right. The club may hire a field, probably they may do that, as many Sheffield clubs do, but they have no public rights that I am aware of.

1468. Now you heard the answer that was given by Lord Scarborough's agent to the effect that rabbits were not cultivated along that bit of ground which I was asking him about. In your opinion is that a correct answer?—I really do not know. Lord Scarborough's keepers could tell you more about that than I could.

1469. Did you not state just now that there was every probability if that low common were inclosed, that practically it would become part of that strip of wood at the back of it, which is a game preserve?—Yes. I do not know as to the number of rabbits there. There are pheasants and foxes.

1470. You do not know whether the rabbits are kept down or not?—I do not.

Mr. *Daniel Jennings*, called in; and Examined.

1471. *Chairman.*] ARE you a resident of Rotherham?—I have been a resident in Rotherham for the last 15 years.

1472. How far is Rotherham from the village of Maltby, which we have under our consideration at this moment?—It is six and a half or seven miles, I presume, from Rotherham to the commons in question.

1473. Has any petition come to us from Rotherham against the Provisional Order in the case of Maltby, do you know?—Only on behalf of the corporation, I think; upon that I should like to say a word or two, if you will allow me; from what I know of the corporation, I think that petition has been got up without a thorough knowledge of the circumstances; Rotherham would deeply deplore Woodlee becoming inclosed; from what I have heard since I came into this room, there is a probability of that being the case.

1474. Woodlee will not be inclosed?—I mean in the event of the inclosure not being granted.

1475. It might be inclosed?—Yes; and Rotherham, while it would deeply deplore that fact as regards the low and the far commons, I can say that Rotherham does not feel the slightest interest in it, as far as I know.

1476. The people of Rotherham do not consider that the inclosure of the low and far commons would interfere with their recreation in going to Maltby for health and amusement?—I have talked with some hundreds of Rotherham people, and I have only met with one man who knows where they are situated, and that man happens to be a native of Maltby; I have talked with some of the town council on the subject since that petition was lodged, and they were

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Mr. *Leader*.

30 April 1879.

Mr. *Jennings*.

Mr. Jennings.

30 April 1879.

labouring under like ignorance, and had no idea but what Woodlee was Maltby Common; in fact they had no idea of the existence of the far and low commons, and therefore, as far as they were concerned, they regretted the steps they had taken.

1477. Then when the Corporation of Rotherham petitioned against the inclosure of the waste lands and the common lands of Maltby, they thought it, in fact, would have amounted to the inclosure of Woodlee?—That is it.

1478. Do you think that they would or would not be satisfied, if the inclosure of those two other commons were to take place, and Woodlee was still preserved as a recreation ground to which people might resort?—I think they would be perfectly satisfied. I should like to say further, that my public duties take me to Maltby once a fortnight, and sometimes more frequently. I have gone that round now for more than six years, and never have I met with an individual from Rotherham or Sheffield on those two commons in question. The only time I have seen an individual on those commons at all, was at the time when the Commissioner was there to hold the inquiry, and when he walked over the commons and a few others accompanied him. That is the only time I have met with a person upon those commons at all, during all those six years.

1479. Have you any other observation you wish to offer to the Committee?—I should like to be allowed to say a word as regards Stone Green. It has been my duty to visit Stone Green as the sanitary inspector of the rural sanitary authority of the Rotherham Union. Some of the cottages there, in fact most of them, are most wretched places, quite unfit for human habitation. There is only one of them, of the whole lot that is built there that has a decent privy. The others, those who have any pretence to that kind of thing at all, are most wretched concerns, not one of them having a door. With regard to some of the houses which are in the rock, the water is percolating through them so badly, that it is difficult to find a dry spot on which to place their bed. The rural sanitary authority would be glad if any steps could be adopted which would improve that state of things.

1480. Stone Green is not a place which is necessary as a recreation ground for anybody, in your opinion, I suppose?—I think not. The inhabitants of that neighbourhood are so few, that they would scarcely use it, I think, through its being of the rocky nature that Woodlee is. I think it would be a pity to inclose it; that is, to shut off the public from the use of it.

1481. You would rather have it kept open?—I should rather have it kept open, but I do not see the slightest necessity on any ground whatever for keeping open the far and low commons.

1482. Sir *Walter Barttelot*.] As sanitary inspector you would think it a very great improvement if those hovels were to be pulled down and proper cottages built at Stone Green?—Yes, it is very much to be desired.

1483. And that is the intention of Lord Scarborough, supposing this inclosure takes place?—Yes.

1484. How often do you visit, as sanitary inspector, those districts?—Once a fortnight.

1485. Therefore, you have a good opportunity of seeing and knowing who goes over these commons?—I believe I have.

1486. You go over the common yourself?—Occasionally; I do not go over once a fortnight, but occasionally.

1487. Lord *Edmond Fitzmaurice*.] You represent the urban sanitary authority?—The rural sanitary authority.

1488. Then the town of Rotherham is not within your district?—Not the town itself; it is in the midst of my district.

1489. Mr. *Pell*.] Is it the Rotherham Union?—The Rotherham Union.

1490. Sir *Walter Barttelot*.] You go across these commons sometimes?—Yes.

1491. Are they in that wet and bad state which one or two of the last witnesses stated they were?—I do not know that ever I went across what we call the Low Common without wetting my feet, however carefully I have gone.

1492. In the summer time?—In the summer time.

1493. And the lane which leads from Woodlee to the Low Common, what sort of state is that in?—It is in a state that you may pass tolerably on foot, but I

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Mr. Jennings.
30 April 1879.

do not think it would be scarcely possible to drive down it. It is not wet, but no kind of repair is done to the road, and it is merely a green lane.

1494. In the sanitary interest of that neighbourhood, would it be an advantage that that Low Common should be drained?—It would, no doubt.

1495. I daresay you know a little about farming; is it likely to be turned into arable land and to grow corn?—I do not know much about farming.

1496. Therefore you could not say what use it would be turned to; but you think it would be better if it were drained?—Yes, I do.

1497. From your knowledge of that district you have never seen, except when the Commissioner was there, any number of people, either from Sheffield or Rotherham, on either of those two commons?—No.

1498. Mr. Shaw Lefevre.] Do you live at Rotherham?—Yes.

1499. Do you come up here to oppose the inclosure?—I come up here to give that evidence.

1500. Who asked you to come up here?—Lord Scarborough's agent.

1501. Then you come up on behalf of the promoters of the inclosure?—Yes.

1502. And not against it?—No.

1503. I understood that you came here to oppose the inclosure, but that is not so?—No.

1504. You come here to support it?—I should like to oppose the inclosure as far as Woodlee and Stone Green are concerned.

1505. You are not prepared to inclose Woodlee?—No.

1506. Therefore you have been brought up here to support the inclosure?—Yes.

1507. And you are one of Lord Scarborough's witnesses?—Quite so.

1508. You have told us that the people of Rotherham were under a mistake altogether when they signed these petitions; were you present at any one of these meetings when these petitions were signed?—I have been present at one meeting. I do not know whether that petition is before you, but it was a petition which was laid before the Liberal Association of Rotherham.

1509. This is not one of those petitions?—I do not know as to that.

1510. These were petitions to Parliament. Were you present at a meeting of the town council when a petition was signed against the inclosure of Maltby Common?—I was not.

1511. Then how can you undertake to say that the corporation of Rotherham were under the impression that Woodlee Common was to be inclosed?—From conversations I have had with members of the council since the petition was signed.

1512. You will undertake to say that the people who signed that were under that impression?—Those I have conversed with.

1513. And do you say that the others, the inhabitants of Rotherham, and the members of the Literary and Scientific Society of Rotherham, were under the believe that Woodlee would be inclosed?—I do not know.

1514. Did you hear the evidence as to the meeting of the corporation of Sheffield?—Yes.

1515. Were you aware that there it was fully explained that Woodlee would not be inclosed?—I was not aware of it till I heard it here. I read the report of the council meeting held in Sheffield at the time that resolution was carried, but there was no mention made of it in that report.

1516. But you have heard the Mayor and the Master Cutler say that at the meeting it was fully explained that Woodlee would not be inclosed?—Yes.

1517. And notwithstanding that the town council were strongly of opinion that the inclosure should be opposed?—Yes, I have heard that.

1518. Do not you think it is probable that the town council of Rotherham would have just as strong an opinion on the matter as the town council of Sheffield?—I do not think they would.

1519. Why; they are nearer the common, are not they, than Sheffield?—Yes; but there is one strong reason which I should state by way of explanation, and that is that our Rotherham papers, which at first advocated the non-inclosure, have since had this explanation made to them, as they were in the dark as to the situation of these far and low commons, and also supposed that

Mr. Jennings.

30 April 1879.

Woodlee would be inclosed. In fact, they thought that Woodlee comprised the commons of Maltby. Since they have got enlightened on that subject they have written in a very different way. That has not been the case at Sheffield, and therefore I take it that may be an explanation why Rotherham has not been so represented here as it otherwise would have been.

1520. You think that they are not here because they have discovered that Woodlee is not going to be inclosed?—I think so.

1521. You think that is the reason?—I think so.

1522. And you believe that they have signed the petition under a mistake?—I think that most of them did, and those I have conversed with have told me they did.

1523. You have come before the Committee to give that evidence?—Yes.

1524. That is the object of your being here?—Yes.

1525. Mr. Pell.] What are your views as to the opportunity afforded by Woodlee for recreation?—I should think they are excellent; there is an excellent flat portion on Woodlee for cricket.

1526. How much is there flat for cricket?—I should think there is, speaking from guess, about six acres of very nice flat land. We should be glad of an equal portion at Rotherham.

1527. Is that at the top of the hill?—The top of the hill.

1528. It would give some sport to a lad fielding if the ball once started down Woodlee, if it has got the drop which has been talked of. Where would it go to; what is at the bottom?—There is a fence immediately at the bottom, and then a valley below the fence.

1529. How would the inclosure tend to remove the hovels at Stone Green; these buildings that you have termed hovels?—I presume, if the inclosure were granted, that Woodlee would in some measure be apportioned.

1530. I do not think you understand my question. How would an inclosure of Stone Green, that is, where the hovels are, tend to the removal of those habitations?—Under present conditions I do not see that any one has any legal power of moving them.

1531. Are those squatters there?—Squatters, or something of that kind.

1532. They will not permit anybody to remove them after inclosure, will they?—I presume that that would depend on the terms of the Provisional Order.

1533. Lord Edmond Fitzmaurice.] You do not happen to know whether, by chance, they are copyholders for lives, which is a common tenure in some parts of England?—I do not; I believe most of them that are there pay a rent to somebody or other.

1534. Mr. Pell.] You are inspector, I suppose?—Yes.

1535. Have you ever served a notice on these people with reference to nuisances, or overcrowding, or anything of that sort?—We have never had cases of overcrowding to deal with, and with reference to other nuisances we have never been able to discover the owner on whom to serve the notice.

1536. Do these people claim as owners?—Some of them receive rents in some way or other.

1537. Lord Edmond Fitzmaurice.] Who receives rents?—Some persons that I do not know; but the occupiers inform me that they pay rents.

1538. Mr. Pell.] Do you mean to previous squatters?—Some persons of that kind.

1539. Lord Edmond Fitzmaurice.] Not to Lord Scarborough?—Not that I am aware of; they will not inform me who they pay rents to.

1540. Mr. Pell.] You have been unable to purify them in any way by law?—Yes; I have several times written to the Earl of Scarborough's agent about their state, asking him to do what he could by any means within his power to reduce the state of things there.

1541. Mr. Cowper.] Do you come on behalf of the Rotherham people, or merely as an inhabitant of Rotherham; were you deputed by the people of Rotherham?—No.

1542. You merely happened to be in town?—I came on behalf of the Earl of Scarborough under the sanction of the rural sanitary authority.

1543. Lord Edmond Fitzmaurice.] That is important if you came under the sanction of the rural sanitary authority, and not merely at the request of Lord Scarborough?—I came, not merely at the request of Lord Scarborough, but with

with the sanction of the rural sanitary authority, as they are very desirous to have these cottages put in a healthy condition.

1544. I suppose you have many opportunities of seeing the leading inhabitants of Rotherham?—During the 15 years I have been there, I have taken an active part in the executive of the Temperance Society; I have taken an active part in the executive of the Liberal Association from its formation; I have taken an active part with the Sunday schools, and gone out to these places with excursions from Sunday schools, and to other parts; so that I know pretty well, I think, the feeling of the inhabitants of Rotherham.

1545. I suppose, also, that you have probably some connection with the poor law administration of Rotherham?—Yes.

1546. The rural sanitary authority is the board of guardians, with the exception of those guardians who represent the town of Rotherham?—That is so.

1547. So that you are constantly brought into relations with those gentlemen?—Yes; I very frequently accompany the relieving officer on my rounds, and attend with him in paying the poor and visiting the poor.

1548. Mr. Cowper.] With regard to this Literary and Scientific Society of Rotherham; have they recanted, too?—I do not know anything of them.

1549. Mr. Shaw Lefevre.] I am told that that is not so; that the Rotherham town council have not recanted?—I hope you will take my remark in that respect for what it is worth; I simply say the members of the town council with whom I have conversed have so expressed themselves.

Mr. Robert Leader, again called in; and Examined.

1550. Mr. Shaw Lefevre.] WILL you tell us what you have heard with regard to the representatives of Rotherham?—I saw the mayor and the town clerk of Rotherham on Monday, when they supposed that this case would come on yesterday; they were both very desirous to promote the opposition, but, being unable to come themselves, they said they would endeavour to send the ex-mayor, Mr. Alderman Morgan, and I quite expected to find him here to-day, for I telegraphed to the town clerk on Monday last, when I knew of the postponement till to-day; then there was a Mr. Boler, of Rotherham, who was very anxious to come; he is a native of Maltby, and his father enjoyed rights of common there, and kept his horse and his cow on the common, and he speaks in the strongest terms of the value of the common to the people; they cannot keep their pigs near to their cottages unless they can get bracken from those commons for the bedding of the pigs, for the farmers are not allowed to sell straw, and the cottagers say if they cannot get this bracken for bedding the pigs, the sanitary inspector will report them as nuisances.

1551. Do you believe there is any foundation for the statement of the last witness, that the mayor and town council of Rotherham signed that petition, and were intending to come up here under the misapprehension that Woodlee was going to be inclosed?—I do not believe it at all.

1552. Lord Edmond Fitzmaurice.] Have you seen the Rotherham petition?—No. (*The Petition was handed to the Witness.*)

1553. Will you read it as an answer to the question?—"The humble Petition of the inhabitants of Rotherham and district, sheweth,—That we beg respectfully to protest against the inclosure of Maltby Common, as being opposed to the best interest of the inhabitants of this district. The common has, from time immemorial, been regarded as a recreation ground for the inhabitants of this neighbourhood, and the thousands of visitors to whom Maltby and Roche Abbey and the locality is an annual resort. To inclose the common would be to deprive the public of the advantages of an open space for a public resort; and to do so would have a detrimental effect, by compelling persons seeking fresh air in the neighbourhood to become an obstruction on the highway, or to drive them into the adjacent cultivated fields, which would, there can be no doubt, result in much litigation, and the prosecution of trespassers. We, therefore, respectfully protest against the inclosure of the common, and humbly pray that that authority will not be given to such a proposition." This is the petition of the inhabitants, and not the petition of the town council.

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Mr. Jennings.

30 April 1879.

Mr. Leader.

Mr. Leader.

30 April 1879.

1554. What do you consider they meant by "the common"?—I believe they meant all the waste lands in Maltby, the Far Common, and the Low Common, Woodlee, and Stone Green.

1555. Will you read the next petition, which is the petition of the mayor?—Yes. It states: "That Rotherham is a borough town of 32,000 inhabitants, being situate within a distance of six miles from the commons and waste lands of the parish of Maltby, in the county of York. Your petitioners, believing that the inclosure of the said commons and waste lands would be an injury to the town of Rotherham and the neighbourhood thereof, as well as the numerous visitors who resort to Maltby aforesaid for the purpose of health and recreation, pray that no Act be passed for the inclosure of the commons and waste lands, or any part thereof."

1556. You observe that in the first petition the word "common" is used, and in the second one it is "commons and waste lands"?—Yes.

1557. Does not that, in your opinion, point to the fact that the inhabitants were alluding to Woodlee alone, and that the mayor, aldermen, and burgesses of Rotherham were alluding, as you yourself said, to the three commons?—It is possible that the use of the word "common" only in the first petition may bear that construction; but with reference to the other I am satisfied that they knew precisely what the four pieces of land were.

1558. Is it not fair to argue that if people living in the same town, in the one case, use the word "common," and in the other use the word "commons," that the people using the word "commons," who are the mayor, aldermen, and burgesses of the borough of Rotherham, were alluding, not as the previous witness said, to one alone, but to all?—I can further confirm it. The gentleman who moved the petition in the town council was Mr. Alderman Guest, and he did so in consequence of a conversation I had with him on the subject, in which the whole thing was perfectly well understood by both of us.

1559. Mr. *Shaw Lefevre*.] The petition is almost in the same words as yours?—Yes; I believe Mr. Addy drew it.

Mr. Leach, again called in; and Examined.

Mr. Leach.

1560. *Chairman*.] You have been in the room all the time the other witnesses have been speaking on this subject?—Yes.

1561. Are there any points to which you would wish to call our attention as being not quite correct with reference to the facts of the case?—Yes, there are one or two points.

1562. What are they?—The first is as to the question which was raised by one of the honourable Members as to Woodlee being a village green. I may say, I have not the smallest doubt that it is not a village green under the Act. If it had been a village green, it must, under the Inclosure Acts, have been excluded from the inclosure; then the position of Woodlee has been rather misdescribed. The road intersects it. That part of it on the upper side of the road, and between four and five acres in extent, is quite level. I examined the place carefully, and it would make a very suitable cricket ground; it might be made into a very fair cricket ground.

1563. Lord *Edmond Fitzmaurice*.] You are an old cricketer yourself, and capable of forming a judgment?—Yes; so that that would be suitable for a cricket ground, and the remainder is simply a rough hillside. It is rather a curious fact, with reference to the statement made by one of the witnesses, that the principal jobmaster at Rotherham had a number of carriages and omnibuses out every Thursday; Thursday is the day in the week that Roche Abbey is opened. That would rather show that the Rotherham people go to Maltby on the day when Roche Abbey is opened. Then there was a question raised by the honourable Member for Reading about selling part of the land to pay the expense of regulation. Under the Act, only one-fortieth of the common can be sold to pay the expenses of regulation, and that in this case, as the common is 80 acres, would be only two acres, so that only two acres would be sold.

1564. Sir *Walter Barttelot*.] Would it be two acres, or would not that part which is excluded have to be deducted first, before you could sell any other portion?—That is a point which I have not considered. I think a fortieth part
of

Mr. Leach.

30 April 1879.

of the whole common is meant. I think the Act says, any portion not exceeding a fortieth part of the whole. Those are the only things I have to mention, with the exception of this. Aindrick Common has been referred to. That was a case in which an application was made for inclosure, but it has been considered by the Commissioners, and has been refused by them, on the ground that the applicants could not show sufficient benefit to the neighbourhood.

1565. *Chairman.*] When you went down to inquire into the matter, was anything stated to you on behalf of the large towns of Rotherham and Sheffield?—No; nobody appeared at all.

1566. Mr. *Shaw Lefevre.*] They had no *locus standi*?—Unquestionably they would have had. The notices expressly requested the attendance of anybody in the neighbourhood, whether interested in the commons or not.

1567. They appeared to have thought that not being within the limit of six miles, they had no *locus standi*?—I inquired carefully as to whether they were within the six miles. Neither at this meeting nor at the other did anybody appear, with the exception of Mr. Addy, who got up the petition.

Tuesday, 6th May 1879.

MEMBERS PRESENT :

Sir Walter Barttelot.
Mr. H. Cowper.
Mr. C. B. Denison.
Lord Edmond Fitzmaurice.
Mr. Leveson Gower.
Sir William Vernon Harcourt.

Mr. Shaw Lefevre.
Mr. Pell.
Lord Henry Scott.
Mr. Spencer Walpole.
Mr. Arthur Walsh.

THE RIGHT HONOURABLE SPENCER WALPOLE, IN THE CHAIR.

INCLOSURE AND REGULATION OF MATTERDALE COMMON.

Mr. *Arthur Benson Dickson*, re-called ; and further Examined.

Mr. *Dickson*.
6 May 1879.

1568. *Chairman.*] You are the Assistant Commissioner who went down to Matterdale last autumn ?—I am.

1569. An application was made to the Commissioners for the inclosure of the common there ?—Yes, for the inclosure of part and the regulation of part.

1570. I believe the whole of the common amounts to 5,459 acres ?—It does.

1571. How much of that common do you propose to inclose ?—Originally it was proposed to inclose 3,214 acres, and to regulate 2,245 acres ; but the amount now proposed to be inclosed is 2,794 acres, that is 420 acres less, and 2,665 acres to be regulated.

1572. Was that modification of the original proposition made known to the parties ?—Yes. It was made in consequence of a suggestion by the Commissioners, who suggested that rather less should be inclosed, and I went through the line that they suggested, and came to that conclusion.

1573. What are the nearest towns to this common ?—Keswick is six miles off, and Penryth is eight miles off. It is a very thinly populated district indeed, and there are a great number of open fells in all directions about it.

1574. Is the common used much for games or recreation ?—Not at all.

1575. What is it proposed to do with regard to the question of leaving a sufficient portion for recreation ground ?—Seven acres are to be left for recreation near Troutbeck, which is a small village, likely to increase in population, being a station of the railway, and seven acres near Matterdale End Gate.

1576. That is 14 acres in all ?—That is 14 acres in all.

1577. Are those recreation grounds near the population ?—As near as could be got.

1578. What do you propose with regard to the allotment for gardens ?—The cottages are all owned by persons who can get gardens if they want them. They are all yeomen.

1579. Have they gardens now to their cottages ?—Most of them have small gardens, and it is proposed to leave a certain amount for garden ground, in case any should be wanted ; but I do not think any will be wanted.

1580. Do you propose an allotment of five acres to be given for that purpose ?—Yes, in convenient places.

1581. Is provision made for the turbary to be secured to the inhabitants ?—Yes, two allotments are set out for turbary.

1582. With regard to the quarries and stones ?—Proper quarries are to be set out so far as necessary.

1583. What meetings were held by you ?—A morning meeting.

1584. When ?—In the early part of December, and an evening meeting on the next day.

1585. Were

1585. Were all the notices given required by the Act of Parliament?—Yes, and were proved to have been given.

1586. And posted upon the public places?—Put up in proper places.

1587. How many meetings were there?—Two.

1588. What took place at the first meeting; by how many persons was it attended?—Forty-two persons, and 30 in the evening.

1589. Did they consist of farmers' labourers, and people of that kind chiefly?—Yes.

1590. Were there any cottagers attending it?—Yes.

1591. At the first meeting?—The first meeting was attended by 42 persons of all classes, and the evening meeting by 30 persons, principally of the labouring class, and persons of that description.

1592. It is stated in your report that of the 51 persons interested, 33 signed their names as consenting to the Provisional Order; is that so?—That is so.

1593. Do their interests represent more than the requisite two-thirds in value?—£. 1,380 out of 1,740 £., about.

1594. Will you explain to the Committee what advantage you propose by regulating part of this common?—It will prevent quarrels from the hounding of sheep, and it will ascertain what the rights of the commoners are.

1595. The parties generally are in favour of regulation to that extent you have mentioned?—To that extent. It would be too expensive to inclose the higher part at all.

1596. It is the lower part you propose to inclose, and the higher part you propose to regulate?—Yes, just so.

1597. You state certain reasons at the end of your report why you think it is expedient to inclose instead of regulate that portion of the common to which you have referred; you say it will increase the productiveness of it?—It will.

1598. It will make a large addition to the rateable value of the township?—It will increase it from 2 s. 6 d., its present estimated value, to about 20 s., and in some parts to more. The lower parts of the common will be increased to a greater extent than that.

1599. New roads will be made?—There is a new road that is wanted very much from two small villages, Douthwaite and High Row. In order to get to Troutbeck Station the inhabitants have to go round now a long way. It will save them two miles, and it will be good for the public.

1600. You think there will be more demand for labour if it is inclosed?—Certainly.

1601. And the climate will be improved?—By planting, very much indeed. There were 84 inches of rain fell in that district in 1877, and I think if it were drained it would be an advantage.

1602. Was no objection taken by anybody to this?—No.

1603. Neither to the inclosure nor to the regulation?—No; the only question raised was whether a little more or less might not be regulated or inclosed.

1604. Sir *Walter Barttelot*.] There are a very large number of commons in this district, are there not?—A great number. It is part of the Westmoreland Fell District, the Lake District. There are uninclosed hills about Keswick and Ulleswater, as Skiddaw and Helvellyn.

1605. Does a portion of this common join Thirlemere?—No, Thirlemere is the other side of the hill altogether.

1606. Do not the promoters of the scheme for the Thirlemere Water Works take a certain amount of land adjoining this common?—I believe not.

1607. There is at any rate a large open space of common running down from this common to Thirlemere?—Yes.

1608. Is this one of the main tourists roads or not?—It is a tourist road often used.

1609. The other tourist road is the High-street, is it not?—Yes, over the top. That is rather a different direction. This would be a pedestrian road; pedestrians could go over this to Keswick. They might go up Great Dodd; it would be a very pretty walk.

1610. And there is nothing in what you propose to do that would prevent the pedestrian tourist from having this walk?—On the contrary, the right to do so is expressly reserved over the whole of the regulated part; the inclosed part the tourist would not want to walk upon at all.

Mr. *Dickson*.
6 May 1879.

1611. The part you propose to inclose is better land, and situated lower down the hill side?—Altogether. It lies, in fact, between a road which now goes to Keswick and the railway which also runs to Keswick.

1612. Then, as a matter of fact, it is a flat piece of ground, more or less?—More or less.

1613. But easy of cultivation?—Yes, so far as grass land; I do not think it would be cultivated in any other way but as grass land.

1614. And it would be a great improvement if it were properly drained and divided?—Certainly.

1615. And also those who would get possession of it would take far more trouble in cultivating land of that kind than they would if it remained in its present condition?—Yes.

1616. They have no object in doing anything to it now?—Quite so.

1617. Is it not a fact that all that land is excessively boggy and waterlogged?—Yes, a great deal of it; it will be all drained.

1618. With regard to regulating; would they regulate that portion to be of any practical use?—I do not think so; I do not think they will do much to the regulated part.

1619. Would not they surface-drain it?—I do not think so. They would not like to rate one another for the expenses of it. I asked the question, and I got that answer.

1620. What is the great object of regulating that portion of it?—To regulate the rights of the commoners. They will know the number of sheep that may be turned out, and that the common will be properly looked after. That is the chief advantage.

1621. Then, in fact, they will know exactly how many sheep they can turn out, which at present they do not know?—No.

1622. And they turn out a great many more than they have any right to turn out?—Some farmers will do that, which will be, of course, stopped. If there was a field-reeve he would look out and see that only a proper number was turned out by each farmer.

1623. I think you said the value of the uninclosed land was now about 2s. 6d., and that if inclosed it would be worth 20s. or more?—Yes.

1624. And that nearly the whole of that would be grass land?—Yes, there might be a little planting in favourable parts, but nearly the whole would be grass land; it is so high. There is very little but grass land.

1625. Is it not a matter of fact that in the neighbourhood of Keswick, which is six miles off, and of Penrith, which is eight miles off, there is a great deal of uninclosed land?—Yes.

1626. And that if you can inclose anything in this part of the district, it would be a real advantage to that neighbourhood?—Certainly.

1627. Mr. *Shaw Lefevre*.] I observe that in this case you propose to reserve the right of the lord of the manor to sport over the inclosed land?—A concurrent right only.

1628. What do you mean by a concurrent right?—A right of shooting, leaving the owners of the allotments also a right.

1629. Do you mean to say that for all time to come the persons to whom land will be allotted in severalty will find themselves in the condition that the lord of the manor will have a concurrent right with themselves of sporting over the land?—Yes.

1630. Even after inclosure?—Even after inclosure; he will have a right, and they will have a right, so that if he has too much game they can keep it down if they like, but it is only grass land, and, therefore, it is not a matter of very great importance.

1631. Is there any precedent for such a course as that?—Yes, there are a great number. Since 1845 there have been 176 inclosures in the Northern Counties, and in 31 of those cases similar rights have been reserved to the lord.

1632. Are those cases where the lord has had the exclusive right reserved to him, or a concurrent right?—That I cannot say. Perhaps you can get that from the Secretary of the Commissioners; he has looked up the point.

1633. Did not a Select Committee report against this reservation of the rights of sporting?—I do not know that they did.

1634. I am under the impression that one of the Select Committees which sat upon

upon this matter has reported against separating the right of sporting from the ownership of the land?—It is done under the powers of a special Act.

1635. Will you refer me to the Act?—It is the third Amendment Act.

1636. It says, "It shall be lawful for the Commissioners in their Provisional Order in the matter of any inclosure to set forth any special agreement, or matter affecting or concerning the lands to be inclosed." Then it appears from the note that under that it has been common to reserve the lord's right of sporting. It was my impression that one of the Select Committees which sat upon the Inclosure Acts has reported against the severance of the right of sporting from the ownership of the land?—I think, generally, it is not desirable, but I do not know that it matters very much in a case like this. If it had been arable land, or if it had not been a concurrent right, it would have been much more objectionable. In this case it is neither the one nor the other. It is a right for the lord to follow his own game; it comes to little more than that; and on certain occasions he may find the game driven down to this inclosed land by stress of weather.

1637. In this case the original application was for the inclosure of the whole, was it not?—No; the original application was for the regulation of part, and for the inclosure of part. It was for the inclosure of 3,214 acres, and the regulation of 2,245 acres, whereas 2,794 acres are now proposed to be inclosed, and 2,665 to be regulated.

1638. What was the opinion of the Inclosure Commissioners at first with regard to the proportion?—They merely said that they thought the line was too high; that land so high as some of the land proposed to be inclosed could not be profitably cultivated.

1639. A compromise was eventually made?—They specially directed my attention to it, and so I called the attention of the meeting to it, and I went through the higher parts to see whether they were capable of being properly inclosed.

1640. You went over it yourself?—I went over it myself.

1641. Was there any opposition to the inclosure at the meeting?—None at all.

1642. Was there any opposition to regulating so much of it?—Some persons thought that a little less should be inclosed. It was a mere question of leaving out a small hill. It really and truly turned upon that.

1643. *Chairman.*] Have you a map of the district?—Yes (*producing same*). This is the map I had at the meeting.

1644. *Mr. Cooper.*] You were interrupted in the middle of your answer about the rainfall, as to what difference had been made in that respect by planting?—I do not think the rainfall would be lessened by planting, but by draining. There were 84 inches in 1877, and by draining you will get rid of the superfluous moisture.

1645. *Lord Henry Scott.*] What is the objection to regulating the whole, instead of only part?—The commoners would not care to have it all regulated. The inclosed part would become worth very much more, from 2 s. 6 d. to 20 s., and therefore they naturally want that part inclosed. I do not think they would care to have a regulation of the whole.

1646. I see in the Report that you have placed before us the bridle road to the Great Dodd is referred to; is all that preserved through the regulated ground?—That is preserved through the regulated ground. The Great Dodd lies on the part that is to be regulated, and there will be a road which will be made at the expense of the inclosure, up to the top of the Great Dodd and down again for the benefit of the tourists.

1647. Is there any part of the road which leads to the Great Dodd from Keswick, or any neighbouring town, that leads through the inclosed ground also?—No, none; but, as a matter of fact, there is a new road to be set out here (*pointing to the map*).

1648. In fact, it would rather improve the access to the Great Dodd than otherwise?—Certainly; it will save two miles to persons coming from the Trout-lech station.

1649. Do you happen to know whether it is in contemplation to plant any portion of the inclosed ground?—No, it would not be till it is inclosed, and when an allotment is made any allottee may plant it or not as he likes.

1650. *Mr. Leveson Gower.*] I suppose regulation would increase the value of the land which you propose to inclose?—I think it is very doubtful.

1651. You think it doubtful whether it would increase the value at all?—I think

Mr. Dickson.
6 May 1879.

think it doubtful whether it would increase it at all; if it did, it would be in a very trifling manner. It would be merely a regulation of persons' rights, and nothing else.

1652. Have there been disputes about the rights?—Continually, and as to the hounding of sheep. There are continual disputes.

1653. I see you propose that the money for improvements should be raised by rates, and not by sale; why is that?—You can only sell a fortieth. I suggested at the meeting that a small part should be sold for the expenses, but the meeting did not like to sell any part of it, and could not find any part that would have been worth selling, or by which any sufficient amount to justify a sale would have been realised.

1654. *Chairman.*] With reference to the concurrent right which is vested by the Provisional Order in the lord of the manor, to shoot and to follow game upon the inclosed land, what took place upon that at the time you entered into the inquiry; who proposed that?—It was proposed in the original application to the Commissioners.

1655. By whom?—By the persons who made the application.

1656. Who were the persons making the application?—The parties interested. There would be a good number of them.

1657. Were they the tenants as well as the lord?—Yes, certainly. It was quite understood at the meeting that it was one of the terms. I rather tried to get the concurrent right done away with, to get the lord's steward to give up the concurrent right, but he thought the lord did not care to do so; it would be useful to him, and would not interfere with the inclosure.

1658. Did any of these people who would get inclosures object to the lord's right being retained?—No, nobody objected to it; it was not made a point of at the meeting.

1659. There was very little passed about it?—Very little indeed.

1660. Except that the steward, on the part of the lord, did not like to give up the lord's right?—That is all. I called their attention to it, but nobody seemed to object to it in any way whatever.

1661. Do the Commissioners send the Assistant Commissioners down with any instructions upon this point about the game generally?—They did not send me with any particular instructions on this point, but I should read over the answers to the questions which were submitted to them, and I should see that game was one of them. I know the Commissioners do not like reserving game, and I should therefore call attention to it; in fact, in the Stainmore case, which you had before you on the Monday, on the first application there was a concurrent right asked for in the inclosed land, and it was given up on the recommendation of the Commissioners afterwards. Here I suggested that the lord should give it up, but he wanted it. He is not very much interested in the inclosure. He does not care whether it does or does not go on.

1662. Mr. *Shaw Lefevre.*] The Commissioners think that it is a condition which ought not to be made by the lord of the manor?—Not generally, and in certain cases they would not like it at all; but they do not so much care about it here, because, being a concurrent right, they consider that the allottee has his remedy in his own hands if any quantity of game is kept.

1663. Sir *Walter Barttelot.*] The lord, of course, has the undisputed right over the whole, now?—Yes.

1664. In the present instance, the lord will perhaps get very little beyond his one-sixteenth?—That is so.

1665. The statesmen and others will get nearly all the rest?—Yes.

1666. And, therefore, they are particularly anxious to have the inclosure made?—They are, and even with this right. They are quite aware of it, and they are very anxious it should go on with this reservation.

1667. As a matter of fact there is very little game there?—It is only in the higher hills in the regulated part, grouse; and there is not much of that.

1668. It is only to give the lord the opportunity, if he drives any grouse down into the lower ground, of being able to follow it?—That, I believe, to be so.

1669. Lord *Henry Scott.*] In arranging the allotment to be given to the lord, was it taken into consideration that a certain portion of the rights of sporting would be reserved to him?—It might be because the whole thing was known when the allotment was offered; so that we may assume it would be so.

1670. Was the one-sixteenth allotted to him with the consideration of the value

value of the rights of sporting reserved to him or not?—It was known when they made the allotment.

1671. Would not it have been just to the other parties interested that they should have had rather a larger allotment in consequence of the lord still retaining a certain portion of his rights of sporting?—It is a matter of bargain, and they did not ask for it.

1672. That would be the consideration that would be given?—Yes, they took the whole thing. They are very anxious to get the inclosure, and they took the whole thing together. The lord says, "I consent on certain terms," and the commoners cannot get on without his consent.

1673. Mr. *Shaw Lefevre*.] Would not the lord of the manor be entitled to an allotment in consideration of his sporting rights?—Not to a separate allotment.

1674. Would that be included in the one-sixteenth?—No, I think not. He would get nothing for his rights of shooting. I do not think that would come into the question at all. When the valuer made his award, I very much doubt whether he would take that into account.

1675. That seems hardly fair to lords of the manor; in cases where the rights of sporting were valuable, it would seem right that he should have an allotment in respect of his rights of sporting?—I do not think an allotment is usually made in respect of rights of sporting. I never saw it.

1676. Mr. *Arthur Walsh*.] You refuse to sanction any allotment of more than one-sixteenth, do you not?—No, not necessarily; it is a matter of bargain. The lord absolutely can veto any inclosure or regulation, and therefore he says, "I will only give my consent upon certain terms."

1677. The Inclosure Commissioners will report in favour of no inclosure which gives more than one-sixteenth to the lord of the manor?—I should think not, except in special circumstances.

1678. Mr. *Shaw Lefevre*.] In some cases of inclosure of commons, has not the Crown made difficulties about the right of sporting, and made conditions?—I cannot answer that question.

1679. Lord *Edmond Fitzmaurice*.] On the Crown lands the game is always let with the farms, is it not?—I believe so, generally.

Mr. *Dickson*.

6 May 1879.

Wednesday, 7th May 1879.

MEMBERS PRESENT :

Sir Walter Barttelot.
Mr. H. Cowper.
Lord Edmond Fitzmaurice.
Mr. Shaw Lefevre.

Mr. Pell.
Lord Henry Scott.
Mr. Spencer Walpole.
Mr. Arthur Walsh.

THE RIGHT HONOURABLE SPENCER WALPOLE, IN THE CHAIR.

INCLOSURE OF REDMOOR AND GOLBERDON COMMONS.

Mr. *James Caird*, C.B., re-called ; and further Examined.

Mr. *Caird*, C.B.
7 May 1879.

1680. *Chairman.*] Was any application made to the Commissioners last autumn for the inclosure of two commons called Redmoor and Golberdon?—At an earlier date.

1681. But there was an application made?—Yes.

1682. Did you consider the proposition, and that it was one worthy going into?—We did.

1683. Did you desire an Assistant Commissioner to go down to Cornwall?—Yes, we did ; Mr. Millman.

1684. Have you got the map?—Yes (*producing the same*). The relative position of the commons is shown on the Ordnance map, but this is a map of the common itself. They are a little over six miles from Liskeard, not far from the navigable waters of the Tamar. I have not myself been on the ground, and cannot speak from any personal knowledge. They are within a short distance from each other. The Tamar goes to Calstock, where we had a former inclosure, which has been very advantageous.

1685. Mr. *Shaw Lefevre.*] Is this open land (*pointing to the neighbouring high land shown on the map*)?—It is all open land.

1686. Is it common?—I do not know ; it is high land, but it is not included in the application.

1687. *Chairman.*] The Assistant Commissioner went down?—Yes.

1688. Is it the report of the Assistant Commissioner which we have before us?—No, that is the report of the Commissioners. It is founded upon information supplied by him.

1689. Were all the usual notices given?—They were all given. The Assistant Commissioner can speak to that.

1690. He will give us an account of what took place at the public meetings, I suppose?—Yes.

1691. Have you gone into the details of it, to know what the propositions are with regard to recreation grounds and allotments?—It is all stated in the report.

1692. Mr. *Shaw Lefevre.*] Have you satisfied yourself that this is a case in which regulation could not be carried out?—It is a case in which regulation, perhaps, might be carried out, but to a certain extent something of the kind was attempted and failed, as the Assistant Commissioner will be able to explain to you.

1693. Did the Inclosure Commissioners recommend, in the first instance, regulation instead of inclosure?—No.

1694. Did

Mr. Caird, C.B.

7 May 1879.

1694. Did the proposition come from the people?—Entirely.
1695. In favour of regulation?—No; in favour of inclosure.
1696. When was the proposition made?—There was no proposition made for regulation; but you will find, I think, from the Assistant Commissioner, that part of it had to some extent been attempted to be treated without going to Parliament.
1697. There has been no case yet of the regulation of a common pure and simple, has there?—Stainmore, which you have passed, is one instance.
1698. That was coupled with inclosure?—Quite so; but still there was a very large extent of land, 6,000 acres.
1699. Mountain land?—Yes.
1700. Where the inclosure would hardly have been profitable, I presume?—I do not think it would.
1701. On account of the expense of inclosing?—Yes.
1702. But take the commons in more low land districts; there has been no case yet, has there, of regulation of a common?—I do not think we have had a case.
1703. There has been no low land common regulated?—No.
1704. Have there been many cases in which you have recommended it in preference to inclosure?—Yes, we in all cases consider the question of regulation, and offer it when we decline inclosure.
1705. Have you found objection, on the part of persons concerned, to the regulation?—They generally state that it would not pay.
1706. Last year there was an Act passed to facilitate it, by enabling a portion of the common to be sold to pay for the regulation?—We have had no action upon that yet.
1707. Do you think that the difficulty of obtaining the consents in the case of regulation is one of the difficulties which prevents the regulation of commons?—I think the difficulty arises more from the fact that the parties do not see much advantage in it.
1708. Do you not find that the veto of the lord of the manor is a difficulty in the way?—I think we have had no recent experience of the veto of the lord of the manor standing in the way.
1709. I ask the question, because in two or three cases in which I have advised it has been found almost impossible to get the consents, the lord of the manor having absolute veto as to conditions, which makes the regulation of commons almost impossible?—We found in the case of Stainmoor the lord of the manor at once consented there. Another lord consented in the case of Matterdale.
1710. I am talking of the low land commons, not of the high mountain commons?—I cannot answer the question. We have not ourselves had anything before us that indicated that.
1711. There has been no case of the regulation of a low land common yet?—No.
1712. Have you any case before you of applications?—There are many cases where we have recommended regulation. There was one case not very far from Windsor where an application was made for inclosure; I went over the common, and was quite satisfied it was not a proper case for inclosure, and recommended regulation, but they took no notice of it.
1713. On what ground?—The land was a very beautiful piece of sward.
1714. Lord *Edmond Fitzmaurice*.] Is that Dorney?—Yes.
1715. *Chairman*.] What became of that case?—It was refused by us, it never came before the Committee at all; we rejected the application for inclosure.
1716. Mr. *Shaw Lefevre*.] It was a fine piece of sward?—Yes, and I saw no economical advantage in it. There was another case, very similar, in Essex, of remarkably fine grass land that they desired to inclose. I went all over it, and I could see no economical advantage whatever in inclosing it. It could not have been turned to more profitable use than that to which it was.
1717. With regard to the question of game. There was a question raised yesterday with reference to the concurrent right of sporting of the lord of the manor in case of inclosure. Will you state to the Committee what principle

Mr. Caird, C.B.

7 May 1879.

you have followed?—I cannot speak of what was the case before I myself became one of the Inclosure Commissioners; I have no reason to doubt that it was the same before, but I can only speak within my own knowledge. The principle followed is, that in all agricultural land we have never allowed the reservation of game. We have always considered it necessary that allotments of such land made under inclosures should carry with them the right of game, and we have never allowed it to be reserved. In the hill countries it would be almost impossible to expect that the lord of the manor would give up his right of game in purely moor districts where game can be no possible injury to the pastoral advantages of the country, and there we have not thought it necessary to make such reservation. But wherever there is agriculture, wherever crops are likely to be injured by game, we should certainly make it a distinct rule, that the game should not be reserved, or if we could not get the consent otherwise, that there should be a concurrent right given to the person to whom the allotment was made.

1718. Have you ever in any case allowed the exclusive reservation of game to the lord of the manor?—Not that I remember in low land countries.

1719. In the hill countries?—Yes.

1720. The exclusive reservation?—Yes.

1721. In the case before us yesterday there was a reservation of a concurrent right?—Yes. In the case of Stainmoor, we reserved the game on the high land.

1722. *Chairman.*] That was on the regulated part?—Yes. We refused it in the lower part there, and the lord gave up his claim.

1723. *Mr. Shaw Lefevre.*] In the case of allotments, have you ever allowed the exclusive reservation of game in such cases to the lord of the manor, so that the land should be allotted without the right of sporting?—I have no doubt we have upon hill lands, for the simple reason that the lord of the manor would not give up his right, and would have refused his consent altogether. We did not think it was in the least degree injurious to the parties under such circumstances that the game should be reserved.

1724. *Sir Walter Barttelot.*] On the contrary, is it not an advantage that the game should be reserved so that that class of common should be inclosed and regulated?—Do you mean that it could not be done at all unless we granted that reservation?

1725. Yes?—That is so. We should always object to it, but we might find it necessary to admit it.

1726. Again, in that class of country there is nothing but grouse and moor game?—Nothing whatever.

1727. Tenants have an equal right to kill hares and rabbits should there be any upon the ground which is allotted to them?—In the lower country, yes. As a rule the allottees have the sole right of game in the lower country. We should only give a concurrent right to the lord in the lower country.

1728. You give it as a concurrent right in the lower country, and if you did not give it as a concurrent right in the lower country the chances are there would be no inclosure at all?—It is upon that ground, it is to prevent the improvement being entirely stopped that we yield that point.

1729. And those who receive the benefit of the inclosure, the steady men, they are perfectly satisfied with that arrangement?—Perfectly so. They would very much rather that we consented than that we stopped the inclosure.

1730. One question with regard to the regulating of commons in ordinary circumstances on low and flat ground; is it not an absolute fact, so far as it has come to your knowledge, that those who had to deal with inclosures under such circumstances, that is to say, who would have rights under such circumstances of turning out their cattle upon this regulated ground, would not go to the expense of paying anything to drain it or to regulate it?—They have so stated; we have had no case yet, I think. They think that all the advantage they would get is not worth the cost.

1731. They have the right of turning out there now, they would simply have the right of turning out under regulations which would restrict the number of cattle and sheep most likely?—If you ask my opinion, I should say they would be benefited by it, because if under regulation they were enabled to have the land drained and improved, they would reap an advantage from it as well as

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from the fact that all rights would be ascertained. I think it would be an advantage, and that where they refuse they are rather standing in their own light.

1732. That is your opinion, but their opinion is that they do not think it worth paying for?—I cannot answer farther for their opinion, because we have not had it tested.

1733. Lord *Henry Scott*.] Is your view in a general way that pasture land is more fit for regulation than land that can be cultivated for inclosure?—Yes.

1734. And that it would be of greater advantage to commons which are suitable for pasture to be regulated than to be inclosed?—I have just stated to the Committee two instances in which that principle entirely ruled our decision.

1735. Like the Dorney case?—Yes, and the case in Essex, and others I can name.

1736. As a general rule, you think that that is rather the view that is taken?—Where the pasture is a fine pasture which is not capable of much improvement by drainage; but where you get a swampy pasture, and very good land, in which you cannot get any outlay made unless rights are in some way ascertained, and the rules which the process of regulation provides for are applied, I think you could not improve the common at all without regulating it.

Mr. Henry Salusbury Milman, called in; and Examined.

1737. *Chairman*.] ARE you the Assistant Commissioner who went down to Redmoor and Golberdon Commons?—Yes.

1738. They are in Cornwall, I think?—In Cornwall.

1739. Were all the advertisements properly given?—They were.

1740. And all the notices posted?—All the notices were properly posted.

1741. You made inquiry as to that?—I made inquiry, and took evidence as to that.

1742. Did you hold any public meetings?—I held two public meetings, one on the first day that I was there, and another on the second day at seven o'clock in the evening.

1743. We will separate them for the present. On the first occasion when you went there, did many people attend the meeting who were interested in the matter?—There were a good many attended who were interested pecuniarily, and a few who were not pecuniarily interested. It was held in the town of Callington, which is the nearest town, and some persons who had not actually any rights in the common attended during part, or the whole, of the proceedings.

1744. Was there any opposition to the proposition at the first meeting?—No, there was no opposition to the proposition. The only opposition to the proposition at all was on the part of some of the commoners, who thought they would have certain expenses thrown upon them for the benefit of the public generally, which they did not like, as to making roads; but otherwise there was no opposition.

1745. Are these two commons far apart from each other?—I should think the nearest points are not above half-a-mile apart. The Redmoor Common is nearest to the town of Callington, a town of about 2,000 inhabitants, and Redmoor Common begins just outside Callington parish, within half-a-mile of the town of Callington. The road goes through that, and after passing Redmoor, by a little turning to the left not half-a-mile long, you come to Golberdon Common. Goldberdon is the furthest from Callington.

1746. The quantity of acres in Redmoor Common is 207, I think?—Yes.

1747. In Goldberdon Common 195 acres?—Yes.

1748. What is the character of the country about there; is a good deal of it uninclosed?—There is a good deal of it still uninclosed, certainly, about Callington.

1749. I see in a part of the report you say there were two systems in that neighbourhood, that of cultivation in unfenced strips, and that of pasturage under restrictions; have both of them been tried?—As to cultivation in unfenced strips,

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Mr. Caird, C.B.

7 May 1879.

Mr. Milman.

Mr. Milman.

7. May 1879.

that applies to Golberdon Common only. About 50 years ago this common was carefully surveyed; the rights were ascertained by a surveyor, a gentleman who is still there, and who at that time carefully surveyed them, and it was then laid out in strips. What are called balks of turf were made, and, according to the proportions then considered to apply to each of the persons who had rights, it was divided into strips. Those strips were, as I was informed, for a time separately cultivated, and during the half-year while the crops were off it was used as a pasture; but after a time it was found that these unfenced strips were not satisfactory, and therefore they were left again to fall into pasture, and the whole, like Redmoor, was used as pasture only.

1750. Mr. *Shaw Lefevre*.] It was, in fact, divided somewhat in the form of Lammas land?—Yes, in the form which is familiar in what are called common fields.

1751. Open to everybody during part of the year?—Open to all the commoners during part of the year; but during half the year when they are under crop, each cultivates his own crop, but does not fence between them at all; one could observe standing at the bottom of Golberdon Common long strips which now are partly obliterated; but which showed the original cultivation. It was divided into a great number, somewhere about 40 or 50 unequal parts, in this manner, and was cultivated for some time.

1752. *Chairman*.] That did not give satisfaction?—It did not give satisfaction to the persons interested.

1753. You think, comparing that system of cultivation with the proposed inclosure, they greatly prefer the proposed inclosure?—Yes, they have tried this and they have found it a failure.

1754. Have you given any recreation ground?—We have given a recreation ground in each of these commons; they are separate commons. I have recommended an allotment of five acres in each, which I think has been adopted.

1755. Is a recreation ground much required in the neighbourhood?—It may be required. In the village of Golberdon, which contains some 20 or 30 cottages and a school, and a certain population, I think a recreation ground is much more wanted than in Redmoor.

1756. Is that nearer Callington?—Redmoor is nearer Callington, but Callington itself has a recreation ground under an old Inclosure Act. One in Redmoor would scarcely be useful, for that in Callington can scarcely be said to be used; at the end furthest from Callington there is a group of a few houses and a small school, and it appeared to me that if a recreation ground were to be allotted out of these 195 acres, the best space would be near where this school and these few houses are. I do not myself foresee that it will be used. I think there is the same chance of this being used at present as at Golberdon, but I think that is the most favourable place to put it.

1757. With reference to the gardens, there are, I believe, about 50 cottages?—About 50 cottages.

1758. Which were formerly occupied by miners?—A good many of them were occupied by miners.

1759. Have you attached any gardens to those cottages?—Some of them had none, but on inquiry I found that it would be desirable, particularly at Golberdon, to have some piece set out for allotments, and the part was pointed out to me, which is marked on the map, and which appeared, taking into account that many cottages had some garden, to be a sufficient quantity.

1760. Have you allotted six acres to Golberdon?—I allotted six.

1761. And four to Redmoor Common?—Yes.

1762. Are they conveniently near the cottages?—They are in both cases; in both cases they are near the cottages and the recreation ground. Both the recreation ground and the allotment ground I place as near the population as I can.

1763. Have you any provision for roads and paths; I think you said they rather objected to the expense of that?—There was a particular road which appeared to be wanted, and which they fancied they would have. It is one which is to run from Golberdon village across a part of Golberdon Common. There seemed to be an opinion that if an inclosure took place, and this right of way was limited to a certain space, then upon the ratepayers generally, many of whom are commoners, would fall the expense of metalling it, with the prospect of having to pay 200 £. or 300 £. for making this road, and some objected to that.

No

No doubt if Golberdon Common were to be inclosed, not in strips but in fields of an ordinary shape, roads would be required in order to have access to the fields.

1764. I believe in the two neighbouring parishes of Callington and Calstock inclosures have been made?—Inclosures have been made under former Acts.

1765. Have they answered?—They have answered. From information given me at the meeting, and on the spot, they appear to have answered very well. Ground was pointed out to me as in the condition in which these cultivated pieces were formerly, and on the opposite side of the road I saw the cultivated pieces, evidently in a very good state of farming, cultivated by many people in Callington, and affording employment to labourers resident there.

1766. I believe this was chiefly a mining population in former times?—It was a mining population. Many of the miners who would not be suited for agricultural labour have gone away altogether, but many of the younger population are becoming agricultural labourers, and getting employment there.

1767. Do you see every reason to think that the inclosure of these two commons as proposed will tend to the comfort and convenience of the neighbourhood?—It appeared to me to be so. From inquiries I made in Callington I found that there was a supply of such labour without a sufficient demand, and I saw also that in Calstock, which is on the nearer side of Callington, there had been an inclosure and a great deal of land cultivated, and it had been a great benefit.

1768. In some of the former inclosures I see the value has been raised from 5 s. to 15 s. an acre in consequence?—No doubt.

1769. Do you anticipate an improvement of that kind?—Certainly, a considerable improvement.

1770. Sir Walter Barttelot.] I think there is no lord of the manor?—There is no lord of the manor. The soil appeared to have been sold to the commoners years and years ago. There is no question as to the surface of the soil. There is no lord of the manor owning the soil, certainly.

1771. Are there any court rolls?—I am not aware.

1772. Was there any difficulty seemingly in ascertaining who had any rights upon the common?—No, and for this reason, that the investigation into the rights had taken place 50 years ago, and it had been very generally acquiesced in for that period. There seemed to be no doubt at all. The survey and the division of the common took place, I think, in the years 1829 and 1830, and everyone was perfectly satisfied. It was made by a person resident on the spot who was well acquainted with the rights. The matter was drawn up in a sort of report, and there was no question whatever as to who had rights on these commons.

1773. How long was Golberdon Common cultivated?—From about the year 1830. I was told for many years it was out of arable cultivation entirely. Whether it ceased gradually or altogether I am not quite aware, but there are gentlemen here who could tell more precisely as to that.

1774. Then at that time it was evidently treated as commonable land?—It was treated as commonable land in that sense, that it was partly occupied in distinct portions half the year, and during the rest of the year it was a general pasture.

1775. I do not know whether you had any opportunity of getting at this; during the time that it was so occupied partly in arable land and afterwards cattle being turned out upon it over the whole, the public were prevented from going over it during the times the crops were on?—I have no doubt the public were prevented during the time the crops were on it; that appeared to me to follow.

1776. More or less, in your opinion, this ground was commonable land?—Yes.

1777. And not a common in the pure acceptance of the term?—No.

1778. What is the value of the common now per acre?—Its value is indeed very small. I should think few people would give 5 s. an acre for it.

1779. What will it be worth when it is inclosed and properly cultivated?—I think the two commons would differ in that respect.

1780. Take Golberdon?—I should think Golberdon would be, at least, worth four times as much as that. When I went over it there seemed to be very good grass upon it still; perhaps the relics of old cultivation and good cultivation, and it seemed to be, on the whole, a better soil. The other, Redmoor, would

Mr. Milman.
7 May 1879.

require, I should think, a much greater outlay for improvements. At the same time, it would arrive at a very considerable state of fertility.

1781. Redmoor, as I understand you, is not so good a soil as Golberdon; what is the value of Redmoor; Golberdon, you say, is worth 5 s., and would be worth 20 s. when improved?—Yes. I should say that Redmoor, at present, would not be worth so much as 5 s.

1782. Two and sixpence, perhaps?—Perhaps. It is much overgrown with furze and gorse; there is very little pasture upon it.

1783. And it would be worth, perhaps, 15 s. when properly cultivated?—It might be. Certainly some part of it, which is nearer to houses, would be, I should think, worth more, particularly the part adjoining Callington.

1784. Looking at this Provisional Order, and looking also at your report, I see that, though a considerable number of the inhabitants who were not interested in the common came in and out of the meeting, they all seemed to be pleased that it should be inclosed?—They were. They saw a prospect for employment for many of the poor. There had been considerable distress during the last winter, as I understand, among able-bodied labouring men, who were wanting employment; and various remedies, by providing employment, such as making roads, had been suggested, as well as by actual pecuniary relief. There was such a feeling in the town that an inclosure, with the probability of employment from the making of it, was very well received by the people.

1785. And there was nothing from Liskeard to give you the thought that they would not like inclosure?—No; there is a doubt whether any part is within six miles of Liskeard, but at all events it is a very mountainous country, and there are large spaces of uninclosed land between Liskeard and this. Callington is the town which has to do with it. Liskeard can hardly be said to have anything to do or to have any interest whatever in the matter.

1786. Mr. Arthur Walsh.] You said to Sir Walter Barttelot that there was no lord of the manor; would not it be more correct to say that the commoners were their own lord?—I wished to make that correction myself; it is the case. There is a lord of the manor, but, as I have been reminded, for a great number of years, indeed from time immemorial, the commoners have, in fact, been the owners of the soil also; the owners of the surface of the soil, at all events. There does not seem to be any claim made against the lord of the manor in respect of minerals, and indeed in this case the mineral question is not interfered with. They appear to have been, for the last 200 years at all events, considered as the owners of the soil.

1787. By purchase?—How it arose I do not know. I should imagine, judging from what is the case in other countries, it must be by purchase, but there may be some peculiar law on the subject.

1788. It says in the report they many years ago purchased the surface rights?—I understood they had been purchased a great many years ago. The information was not all quite consistent. I understood from some that there had been a purchase of the soil, and that it had been understood and construed by some to mean the surface only, and by some, the minerals and all, but there is no doubt that the surface was considered, without dispute, to belong to the commoners.

1789. Mr. Shaw Lefevre.] It may be that they allotted to the lord of the manor a certain portion of the common in lieu of his rights?—It may be. I am unable to say.

1790. Cases of that kind have occurred elsewhere?—Yes.

1791. Where the lord has been conceded a portion of the common on condition that the remainder should belong absolutely to the commoners?—Such may have been the case, but this arrangement seems to have been so very old, if there really was an arrangement made, it is difficult to say anything positive on the subject. The law of commons, as the Committee perhaps know, is so different in many parts of the country that it really is difficult to trace the exact origin of these rights; but it seems to have been fully understood for a great number of years, that the commoners were the owners of the soil.

1792. How near is Callington Common?—What was Callington Common adjoins Redmoor. Redmoor is in fact a continuation of a part of what was Callington Common.

1793. Callington Common was inclosed in 1864?—In 1864.

1794. How is it now cultivated?—It is now very well cultivated.

1795. As

1795. As arable land?—As arable and pasture land. Some part of the arable is in gardens. There is an allotment of gardens, all well cultivated, close to the town of Callington.

1796. That is the allotment, I suppose?—The allotment for gardens.

1797. I am now talking of the other portion?—It is cultivated partly as pasture and partly as arable.

1798. How much of it is arable land?—The only part that I took particular notice of was that between the town of Callington and the borders of South Hill, and when I saw it it was mostly in pasture, that part of it. But there may be other parts on other sides of the town of Callington.

1799. What sized town is Callington?—A place of 2,000 inhabitants.

1800. *Chairman.*] Are these separate parishes?—South Hill is the parish in which these commons are.

1801. That adjoins Callington?—That adjoins Callington.

1802. *Mr. Shaw Lefevre.*] Do you expect that these two commons will be turned into arable land?—I think some part of them will be certainly turned into arable land, but I can hardly say exactly what part. The soil in parts of them is different, and of course it will depend much upon that.

1803. Did you examine the nature of the soil with reference to that?—Yes; I think some part of Golberdon certainly will be turned into arable land.

1804. With regard to the remainder, in what way is it likely to be improved by inclosure; that portion that will remain pasture?—It will be improved, because it will come into separate allotments belonging exclusively to separate people, who will then apply all the means of improvement which are now applied in agriculture to their separate portions, which they will not do now.

1805. I think you said that a portion of it, Golberdon, had been cultivated separately; was that as arable land?—Yes, it was cultivated as arable land.

1806. The whole of it or only a portion?—I do not quite know how much, but I should think that almost all these strips would have been cultivated as arable land in some form or other.

1807. How much of Callington Common was set apart for garden allotments?—I think seven acres.

1808. Is the whole of that cultivated?—The whole of that is cultivated; it is near the town and it is well cultivated. I will not be quite certain but I think the Callington gentlemen can tell you.

1809. What sized plots is it laid out in?—I do not know exactly the sized plots. Some are in better cultivation than others, but all seem to answer their purpose well and to be sought after.

1810. Does this adjoin Callington?—It is near Callington.

1811. How far will Golberdon be from the town of Callington?—Golberdon would be about two miles, I should think, but there is a Golberdon village.

1812. How many persons are interested in these commons as commoners?—I think about 50. There is a Table which I sent to the Commissioners which will show exactly how they are interested, and how much each is interested. It is in very unequal amounts.

1813. Are many of them small owners of land?—Quite small. They are interested in respect of certain inclosed properties that they have, some in Callington parish and some in South Hill parish.

1814. Are both these commons in the same parish?—Both are in the parish of South Hill, but there are persons living in other parishes who have rights in them. The manors and parishes are not conterminous.

1815. *Lord Henry Scott.*] Did you not mention that there was a considerable decline in the mining interests, and for that reason you seemed to think that this inclosure of this common would be an advantage to the people in the district in providing labour for the persons thrown out of work?—Not for many of those actual persons, because those who have worked below in mines are not generally well suited for agricultural labour; but many of them have been obliged to leave the place, and probably many of the younger ones will not have any prospect of mining industry before them, and will probably turn their labour to agriculture. The actual miners who have been the great part of their lives engaged in mining may be capable of employment in making roads, but they are not well suited for agricultural labour.

1816. You think that this land which you propose to inclose is land suited for cultivation?—I think so.

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Mr. Milman.

7 May 1879.

Mr. Milman.

7 May 1870.

1817. Rather than for pasturage?—Some of it may be suited for pasture, but better for inclosed pasture than for open pasture.

1818. It is not a case in which you think regulation would be of advantage as against inclosure?—I think not; I inquired particularly with reference to that. As I understand the will of Parliament, it is that regulation should be the rule and inclosure the exception; that a special case should be made for inclosure; I always examine into the matter with reference to that, and I found in this case that regulation had been tried; in fact, that the whole is under a system of regulation in the hands of the persons interested already, which is a certain expense to them. They have, I think, a person to see that none come upon the common who are not entitled to do so, and that those who do come do not put too many cattle upon it. That applies to both commons, and has been applied for some years, and they are not satisfied with the result of that; and it is because they are not satisfied with the result of this regulation of their own that they come to Parliament for inclosure.

1819. *Chairman.*] Would you consider that the mode of cultivating one of these commons, or the lands in this neighbourhood by the strips of land to which you referred in the earlier part of your evidence, was, in point of fact, a sort of voluntary regulation made by the commoners themselves?—You mean the dividing it into strips?

1820. Yes; I think it was. It was an attempt that each should have his rights without dividing; without the expense of dividing the common.

1821. And that they found did not answer?—That they found did not answer.

1822. Were you in the room when Mr. Caird gave his evidence generally upon the question of the regulation?—I was.

1823. Do you recollect that Mr. Caird seemed to think, speaking generally of the cases which they had had to deal with, in which part was regulation and part inclosure, that the feeling is not generally in favour of regulating these commons, on account of the expense, or for other reasons?—I think the feeling is generally prevalent. No man likes to lay out any money upon anything which he has not the exclusive control of; that is, I think, the feeling.

1824. Then the principal feeling or motive for desiring inclosure, rather than regulation, would, you consider, be that people like to have the property as their own?—They like to have the property as their own.

1825. Instead of being joined by other people?—Yes, and when they see that certain expenses attend regulation, their first question is whether their share of the expenses will make a due return; whether it will repay them, and whether when they have improved under regulation an open space, they shall have that advantage from it which will repay them for the outlay.

1826. Did you examine any other commons besides those two?—I have inspected several.

1827. Last year, under this Act of Parliament?—Under this Act of Parliament I have examined several.

1828. I should like to ask you the general question; do you always take care to represent to them that by Act of Parliament they can regulate or inclose, and that regulation is the first thing they have to consider?—Always. I have always done so. I have always held regulation before them, and endeavoured to explain to them what can be done under regulation, which in fact is draining and making roads, and that they have to consider whether when that is done, and the expense is incurred, and a permanent expense, which of course there is, the permanent expense of keeping a warden or overlooker to see that the regulation is properly carried out, whether on the whole that is what they want, whether that will answer their purpose; and generally the feeling is against it, and that it will not.

1829. Do you think that they understand the difference between the two, so as really to form a fairly accurate opinion upon it?—I think so; I have explained it at both meetings. Sometimes a different class comes to the second meeting to what comes to the first, and I have always endeavoured to explain to them what the effect of each would be.

1830. *Mr. Shaw Lefevre.*] The regulation is rather in the interests of the general public?—The regulation is rather in the interests of the general public.

1831. The people themselves concerned in the particular common would prefer the inclosure to regulation in almost every case, I presume?—Yes; the regulation

tion always comes upon those who are pecuniarily interested ; the whole expense of regulation comes upon them.

1832. Unless under the Act some neighbouring town contributes?—Yes ; I have never heard of such a thing. The regulation is something which redounds to the benefit of the public at the expense of the commoners. That is the way in which they look at it.

1833. You know under the Act there is a provision enabling towns in the neighbourhood to contribute?—Yes. I am aware that that is the case but I have never known it done ; indeed, the whole system of regulation is new.

1834. It has practically never been tried except under the Metropolitan Commons Act, has it?—Not that I am aware of. I have had regulation before me ; none has been before Parliament yet ; but, in fact, except with regard to the Act you mention, it is new.

1835. Lord *Henry Scott*.] Mr. Caird, speaking generally, seemed to think that regulation was more suited for pasture land than agricultural land?—Yes, I think so ; I do not quite understand how it is very well applicable to arable land, but to pasture land I can conceive cases in which it would be.

1836. In the case of regulation of pasture land, it is to the benefit of the persons interested in the pasture land to have it regulated as well as to the general public?—I think there is no doubt it is. But what people imagine is, that regulation by contribution of each member of a large body, although it may bring to the whole of that body certain advantages, will bring them somewhat unequally, and that brings them back to the desire to have each his own piece, whether large or small.

1837. The object of regulating an open pasture, and its being kept, as it often is, with boundaries, is to settle disputes and quarrels, is it not?—It is. That is one reason, to prevent disputes and quarrels ; to see that each exercises, whatever it may be, exactly his own amount of right.

1838. *Chairman*.] Was there any opposition at either of the meetings?—The only opposition was that which I mentioned, that on the part of persons interested ; that the expense would be so great that they had better remain as they are.

Mr. *Milman*.

7 May 1879.

LIST OF APPENDIX.

Appendix, No. 1.

	PAGE
Special Report of the Inclosure Commissioners under the Commons Act, 1876 :	
Scotton Common.—Report with respect to the Scotton Common, in the County of Lincoln - - - - -	117
East Stainmore Common.—Report with respect to East Stainmore Common, in the County of Westmorland - - - - -	120
Commons and Waste Lands in the Township of Maltby and Hamlet of Stone.—Report with respect to Waste Lands at Maltby, in the County of York - - - - -	125

Appendix, No. 2.

Matterdale Common.—Report with respect to Matterdale Common, in the County of Cumberland - - - - -	129
--	-----

Appendix, No. 3.

Redmoor and Golberdon Commons.—Report relative to Redmoor and Golberdon Commons, in the County of Cornwall - - - - -	135
--	-----

A P P E N D I X.

Appendix, No. 1.

SPECIAL REPORT of the INCLOSURE COMMISSIONERS under the COMMONS ACT, 1876.

Appendix, No. 1.

SCOTTON COMMON.

REPORT with respect to the SCOTTON COMMON in the county of *Lincoln*.

To the Right Honourable the Secretary of State for the Home Department.

Inclosure Commission, 3, St. James's-square, S.W.,
31 January 1879.

Sir,

WE have the honour to forward to you our Report on an application for the inclosure, under the Commons Act, 1876, of Scotton Common, in the parish of Scotton and county of Lincoln.

The necessary consents having been given to the Provisional Order (a copy of which is annexed to this Report), we certify that it is expedient the same should be confirmed by Parliament, for the reasons hereinafter detailed, it having been proved to our satisfaction that the inclosure will be of benefit to the neighbourhood as well as to private interests.

The common stretches from the outskirts of the village of Scotton, for a distance of nearly four miles, to within half a mile of the hamlet of East Ferry and the river Trent. It comprises 2,105 acres, subject to claims that a portion known as "The Warren" (500 acres), and certain other small portions, are private property. It is principally waste and uncultivated pasture, the upper part near the village of Scotton being overgrown with heather, gorse, and broom. "The Warren" is little more than a large sand-hill. The lower portion near the Trent is good pasture, but is much flooded in winter. The nature of the soil, and consequently the value of different parts of the common, vary considerably, part being clay, part sand with a substratum of clay, part pure sand, part gravel, and part alluvial. The fee simple value of the land in its unimproved condition ranges from 4 *l.* to 40 *l.* an acre, the average being about 13 *l.* 8 *s.* an acre. Its rental value is at present almost nothing, as very few persons use it, and the rights cannot be agisted or let. The old inclosed lands in the parish average 25 *s.* an acre rental, except warped land, which lets at 3 *l.* or 4 *l.*

From the nature of the soil, the greater part of the common could not be made into good pasture, but by the outlay of capital in warping, marling, draining, and other processes, it can be rendered valuable as arable land. It is estimated that the increase in value of the common when fully cultivated will be at least 3,000 *l.* a year. From 250 to 300 acres will be warped, for which process there are peculiar facilities, so that it can be done at an unusually cheap rate. This part will, it is expected, command a rent of between 3 *l.* and 4 *l.* an acre. The land lies favourably for drainage, the outfall being towards the Trent.

The population of Scotton village is 320, and that of the hamlet of East Ferry 150. Scotter, with 1,094 inhabitants, lies one mile to the north, and has an uninclosed common of about 200 acres. The other towns and villages in the vicinity are Kirton in Lindsey, population 1,700, three miles, and Epworth 2,293, four miles, the nearest town of importance being Gainsborough 7,564, nine miles distant. The occupation of the inhabitants of Scotton and East Ferry is purely agricultural.

In effecting the improvement of this large common, the employment of much labour will be requisite, and the demand for it permanently increased. A very considerable amount of capital will be expended in the improvement. The productive capacity of the land will be much increased. The rateable value of the parish will be nearly doubled.

Appendix, No. 1. Large allotments of good and suitable land will be made for recreation and for field gardens. Carriage roads, bridle-roads, and footpaths will be set out as may be found convenient. And, judging from the results of an extensive inclosure in the same county not far distant, carried out not many years ago, the general prosperity of the neighbourhood is likely to be greatly enhanced.

The common is but little resorted to for purposes of recreation. During summer there are occasional school treats and picnic parties from Gainsborough and other places. A cricket club which formerly existed in the village has died away. The setting out of a recreation ground does not appear to be thought a matter of much importance in the neighbourhood. We have, however, provided for the allotment of six acres near the village of Scotton, and four acres near East Ferry, for purposes of exercise and recreation. Two acres on the top of Hardwicke Hill, which commands an extensive view, are also to be allotted as a recreation ground; proper access to this spot being provided, it will be a convenient place for picnic parties.

Of the 39 cottages in Scotton village, very few have gardens attached, but it has been the custom to let for gardens parcels taken in from the waste, and all the cottagers have allotments varying in size from two acres downwards, only four being under one rood, and the smallest being half a rood. As, however, there is no security for the continuance of these lettings, it is provided that 19 acres of good land, well situated, including parts of what has heretofore been let from the common for gardens, shall be set out for Scotton, and nine acres, also good and convenient, for East Ferry, where at present there are only 10 cottages. These allotments will be an ample provision, not only for the existing population, but for any increase that may arise from the extensive improvements which will be effected on the common if inclosure be sanctioned.

The common is waste of the manor of Scotton, the tenants of the manor having rights of pasture at all times of the year, in respect of the ownership of certain toftsteads, each conferring an equal right. In practice the rights have of late years been exercised without limit. One-sixteenth in value is the proportion of the manorial allotment in lieu of the right in the soil, mines and substrata being reserved. With the exception of gravel and brick earth there are no valuable substrata known or supposed to exist under the common. There is an adverse claim to the ownership of the soil by one who alleges that Scotton is parcel of the manor of Scotter. Both claimants consent to the inclosure, and the compensation for right of soil is set out to be made to "the owner," as provided by the Inclosure Acts for such cases.

In the course of the local inquiry public meetings were held by the Assistant Commissioner in the morning and in the evening. The morning meeting was attended by 13 persons, nine being interested in the common, or representing those who are so. The evening meeting was attended by most of those who were at the morning meeting, and by 26 not then present, including 13 of the labouring class and others not pecuniarily interested.

The Provisional Order has received the consents of both of the claimants to the soil, and of the owners of 71 out of the 88 toftsteads, being considerably more than the requisite two-thirds in value. One of the common-right owners thought that the common would be better as it is. No other person interested has dissented.

As regards the opinions of persons not pecuniarily interested, the rector of an adjoining parish said that personally he should be sorry when the common was inclosed, but that he could urge no reason against its inclosure. Another gentleman, a barrister, who has lived close by all his life, said that he too should regret the loss of the common, but that as regarded the benefit of the neighbourhood, he considered the arguments were all in favour of inclosure. Though expressions of opinion have been freely invited, both by public notice and privately, at meetings and elsewhere, no other intimation of objection of any sort, by persons not pecuniarily interested, has reached us. On the contrary, there appears to be, so far as we can ascertain, a very general feeling in favour of the inclosure on the part of disinterested persons, who consider that the reclamation and cultivation of the common will be a decided benefit to the neighbourhood. The spokesman of the labouring classes, at one of the meetings, said that they would be glad to have the common inclosed.

We have, &c.
(signed) *G. Ridley,*
G. A. Leach, } Inclosure Commissioners.

PROVISIONAL ORDER for the Inclosure of a Common.

WHEREAS persons interested in certain lands called or known as Scotton Common, situate in the parish of Scotton, in the county of Lincoln, such lands being a common within the meaning of "The Inclosure Acts, 1845 to 1876," have made application to the Inclosure Commissioners for England and Wales to issue a Provisional Order for the inclosure of such common, and to certify that it is expedient that such Provisional Order should be confirmed by Parliament:

And whereas it has been made to appear to the said Commissioners that the persons making the said application represent at least one-third in value of such interests in the said common as are proposed to be affected by the Provisional Order:

And whereas the said Commissioners, having taken the said application into consideration,

tion, were satisfied that a *prima facie* case had been made out, and that, regard being had to the benefit of the neighbourhood as well as to private interests, it was expedient to proceed further in the matter, and accordingly ordered a local inquiry to be held by an Assistant Inclosure Commissioner :

And whereas the said Assistant Commissioner, having inspected the said common, and having caused public notice to be given as required by the said Acts, held, pursuant to the said notice, public meetings on the 12th day of June 1877, at 11 o'clock in the morning, and at seven o'clock in the evening, at the "Three Horse Shoes" Inn, Scotton, to hear all persons desirous of being heard on the subject matter of the said application, and any information or evidence which might be afforded in relation thereto, and inquired into the correctness of the statements in the said application, and otherwise into the expediency of making the Provisional Order applied for, and into the nature of the provisions to be inserted in such Provisional Order :

And whereas the said Assistant Commissioner duly reported in writing to the said Commissioners the result of the local inquiry and of the public meetings held by him, together with the information obtained by him as to the several particulars in the said application, and all other information required by the said Acts, and annexed to his Report a map of the said common, a copy of which map is hereto annexed :

And whereas a difference is pending between Thomas Harsley Carnochan, Esq., as lord of the manor of Scotton, and Gravenor Roadley, as lord of the manor of Scotter, as to the ownership of the soil of Scotton Common :

And whereas part of the lands the subject of this application known as "The Warren," and other parts thereof numbered 25, 26, 27, 28, 29, 30, 31, 32, 40 and 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53 and 54 on the said plan, are respectively claimed as freehold and private property, not subject to rights of common by the said Thomas Harsley Carnochan, and another part thereof known as the "Forty Foot South" is so claimed by Captain Arthur Fellowes, and another part thereof known as "The Forty Foot North" is so claimed by the said Gravenor Roadley, and the said Thomas Harsley Carnochan, Arthur Fellowes, and Gravenor Roadley respectively, have consented that the said lands shall respectively be included in this Order, subject and without prejudice to any claims which the said Thomas Harsley Carnochan, Arthur Fellowes, or Gravenor Roadley may respectively make and substantiate, either in the subsequent proceedings under this Order or otherwise, as they or either of them may think proper, as to the said lands respectively being their absolute freehold and not part of the land subject to be inclosed under this Order:

Now, therefore, in pursuance of the powers given to us by the said Acts, we, the Inclosure Commissioners for England and Wales, being satisfied that, having regard to the benefit of the neighbourhood, as well as to private interests, the inclosure of the said common is desirable, have framed for the consideration of the persons interested this our draft Provisional Order, specifying the terms and conditions on which, provided the necessary consents are given thereto, we are prepared to certify that it is expedient the Provisional Order should be confirmed by Parliament ; that to us say :—

That six acres on "Coney Garth Hill," at or near the spot marked A on the said map, and four acres at or near the spot marked D, be allotted for recreation ground. That two acres at or near the summit of Hardwicke Hill, part of "The Warren" aforesaid, be also allotted for recreation ground.

That the pieces of land numbered 25, 26, 27, 28, 29, 30, 31, 32, 40, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, and 54, on the said map, and also so much land on the common, at or near the spot marked B, as with those pieces will make up 19 acres, and also nine acres at or near the spot marked E, be allotted for field gardens.

That carriage roads, bridle roads, and footpaths be set out to the satisfaction of the Inclosure Commissioners as may be found necessary and convenient.

That one-sixteenth part in value of the land the subject of this application, or of so much thereof as shall not be proved to be private property not subject to rights of common, be allotted under the provisions of the said Acts to the owner or owners of the soil thereof, in lieu of his or their right and interest in the soil thereof, exclusively of his or their right and interest in all mines, minerals, stone and other substrata under the same, and also exclusively of any right of pasturage or other right of common or interest in the nature of a right of common which may have been usually enjoyed by such owner or owners or his or their tenants upon the land to be inclosed, which said right of pasturage or other right, if any, is to be compensated by allotments or otherwise independently of the allotment hereby stipulated in respect of his or their right and interest in the soil.

And in respect of the mines, minerals, stone, and other substrata under the land to be inclosed, which are hereby excepted from the inclosure, and reserved to the owner or owners of the soil of the said land, it is hereby specified as follows, that is to say :—

That a right to enter the said land when inclosed, for the purpose of opening, working, or winning such mines, minerals, stone, and other substrata, be reserved to the owner or owners of the soil of the said land, compensation being made by the person exercising such right for any damage to the surface which may thereby be done:

Provided always, that as regards "The Warren," "The Forty Foot North," and "The Forty Foot South" aforesaid, and the said pieces of land numbered as aforesaid on the said map, this Order is made subject and without prejudice to any claim which the said Thomas Harsley Carnochan, Gravenor Roadley, and Arthur Fellowes may respectively make and substantiate, either in the subsequent proceedings under this Order or otherwise, as they may respectively think proper, as to the said lands being respectively their absolute

Appendix, No. 1. lute freeholds, and not part of the land subject to be inclosed under this Order, but as regards the two acres at or near the summit of Hardwicke Hill, part of The Warren, and the said pieces of land numbered as aforesaid on the said map, the said Thomas Harsley Carnochan hereby agrees, as testified by his consent to this Order, in case such a claim be made and substantiated, that he will declare the said two acres and the said pieces of land allottable under the provisions of Section 86 of Act 8 & 9 Vict. c. 118, so that they shall in any event be respectively allotted for recreation ground and field gardens respectively,

In witness whereof we have hereunto set our official seal this 8th day of August One Thousand Eight hundred and Seventy-eight.

L. S.

EAST STAINMORE COMMON.

REPORT, with respect to EAST STAINMORE COMMON in the County of *Westmorland*.

To the Right Honourable the Secretary of State for the Home Department.

Inclosure Commission, 3, St. James's-square, S.W.,
5 March 1879.

Sir,

WE have the honour to forward to you our Report upon the application, under the Commons Act 1876, for the regulation of part, 6,383 acres, and the inclosure of the residue, 4,075 acres, of East Stainmore Common, in the township of East Stainmore, in the parish of Brough, and county of Westmorland.

The necessary consents having been given to the Provisional Orders, copies of which are annexed to this Report, we certify that it is expedient the same should be confirmed by Parliament, for the reasons hereinafter detailed, it having been proved to our satisfaction that the proposed dealing with the common will be of benefit to the neighbourhood as well as to private interests.

East Stainmore Common contains about 10,458 acres of waste and uncultivated land, the upper part, proposed for regulation, being high and exposed. It is bounded on the north and east by other high open moors similar in character. The lower part, proposed for inclosure, adjoins the inclosed and cultivated lands of the township.

The neighbourhood is a sparsely populated one. The town of Brough, within a quarter of a mile of one extremity of the common, has between 700 and 800 inhabitants; East Stainmore township has 438, and the entire parish of Brough 1397. The village of Hillbeck adjoins Brough, and contains about 40 persons. The other villages near are Brough Sowerby, one mile, with 125 inhabitants, and Kaber, in Kirkby Lonsdale parish, two miles, with about 100. The town of Kirkby Lonsdale is five miles distant; its population is 1,766.

The inhabitants are usually engaged in agriculture, but there is at present a great scarcity of employment in the district.

The common is not a place of resort for recreation or for playing games. There are many thousands of acres of open moors in the neighbourhood. In the town of Brough there is an open space, originally about 11 acres in extent, on part of which a school with an uninclosed play-ground stands; but a considerable portion of this space has been washed away by the river. Kaber has a village green, as well as a common of 70 acres; and Brough Sowerby has a common of 30 acres running to the village.

Out of the lands proposed for inclosure, 40 acres in different parts are to be allotted for recreation grounds. This extent includes nine acres at and around the site of "Maiden Castle," and four acres near it on the summit of the hill. The other allotments, one of 15 acres and two of six acres each, are on lower ground, in convenient situations near the dwellings of the people.

There does not appear to be much need of garden ground. Most of the houses and cottages are occupied by the proprietors, or their tenants, with available land adjoining for gardens. All other cottages near the common, except in the town of Brough, have gardens. Ten acres of suitable land in a good position are to be set out for the benefit of such of the cottagers in Brough as may require garden ground.

Sixteen acres, in two allotments, are to be set out as public turbary grounds for the use of the inhabitants of the township.

Sufficient quarries are to be provided for the repair of roads, and for the use of the allottees under the inclosure upon their lands. The allottees are also to have the right to get stone on their respective allotments for their own use.

Provision is made for setting out, if found necessary, carriage roads, bridle roads, and footpaths in the most convenient manner for public use.

The lord of the lordship of East Stainmore within the manor of Brough is entitled to the soil of the common. The common rights, of pasture only, so far as has been ascertained, may be exercised at all times of the year by the customary tenants of such lordship and of two other lordships within the manor. The manorial allotment is to be one-sixteenth in

in value, after providing for public purposes, of the lands to be inclosed, to compensate the right and interest in the soil; and also one-sixteenth in value of the pasturage rights over the regulated part, in lieu of the right in the soil of such part so far as it is affected by the Provisional Order. Coal and lead are found in small quantities under the common. The coal is worked by the lord or his lessees, but the workings for the lead are discontinued. Ironstone is supposed to exist in some places. The minerals and substrata, except the quarries and the stone upon the allotments as above mentioned, are to be reserved to the lord, who will also retain his existing rights of sporting over the lands to be regulated.

Application for these Provisional Orders was made in February 1877, and a local inquiry was held by an Assistant Commissioner in April following. The morning and the evening meetings were respectively attended by 70 and by 14 persons, chiefly yeomen and farmers, some being interested and some not. As the result of this inquiry, we did not find it proved that such benefit to the neighbourhood as the Commons Act contemplates would accrue from the inclosure, as opposed to regulation, of a considerable portion of the common, and accordingly suggested application being made for the regulation of the whole. It was afterwards represented to us that the inhabitants generally were much disappointed at the proposal for inclosure not being entertained, and that, if we would reconsider the matter, convincing proofs could be sent that the inclosure proposed would be a general benefit. We received a petition from the working men in the township and neighbourhood, bearing 193 signatures, in favour of the proposal. This petition was accompanied by letters from three clergymen, the vicar and the curate of Brough and the incumbent of Stainmore, who fully concurred in its prayer, and testified to the unanimous feeling among those not pecuniarily interested that inclosure would be a great boon. After some correspondence we consented to hold a further inquiry at Stainmore, so that the Assistant Commissioner might hear fresh evidence to show why the inclosure of any part should be sanctioned, and why the particular lands proposed should be inclosed. On this occasion there were present in the morning 71 persons, and the evening meeting was attended by 127, nearly one-half of whom were labourers, the rest mostly farmers and yeomen, but including a few tradesmen, a clergyman, a solicitor, a school-teacher, and others. From the numbers present at these meetings, held in the middle of the winter, and from the opinions there expressed, as well as from the result of the Assistant Commissioner's other inquiries, it was evident that the proposed dealing with the common had been fully considered in the district, and that the inclosure of part of it was looked forward to as a matter of general advantage.

There has been only one objector. The grounds of his objection, as stated in writing, were: 1, that a particular estate was not represented; 2, that a majority of the persons interested had not been acquired; 3, that the petition of the working-men was signed by farmers and others; 4, that the scheme was promoted by a minority of the owners in the township; and 5, that a proper valuation of the township was greatly needed. He attended the meeting, at which his statements were inquired into. The first two and the fourth of the grounds of objection were shown to be contrary to the facts. The fifth has no bearing on the question. As regards the signatures to the petition, he was requested to point out those to which he took exception, but not more than five of the 193 were shown to be those of persons other than *bonâ fide* working-men. The effect of this objection therefore was to establish the genuineness of the petition. The objector said, in reply to the Assistant Commissioner, that he thought the scheme would not be beneficial to the neighbourhood. He gave no reasons for such opinion. Subsequently he signed his name as consenting to the Provisional Orders.

Some stress was laid at the meeting upon the fact that, in travelling across the common, many persons, residents as well as strangers, miss their way and stray off the roads, which are marked only by stones. Mention was also made of three men being at different times lost in the snow, which probably would not have happened had the roads been fenced in.

As regards the portions proposed for inclosure and for regulation respectively, it was shown that the lands for inclosure had been selected after a careful inspection of the common by a committee of six practical men, well acquainted with the locality, who drew the divisional line with reference to the convenience of getting stone for fencing, and to the shelter likely to be afforded to stock from a fence along that line, and with the view of including the most productive land. After they had thus laid down the line, the lord of the lordship employed an experienced valuer to examine the land, and his opinion entirely agreed with that of the committee. Evidence was given that the whole of the 4,075 acres would repay the outlay of capital in fencing and improvements. The line was drawn without reference to quantity, which was ascertained afterwards.

The 6,386 acres to be regulated are the higher parts of the common, chiefly above 1,500 feet in altitude. Provision is made for the determination of the rights of pasturage, and of turbary or other rights, if any should be found to exist, and for the settlement of questions as to boundaries, if any. The provisions for improvement include power to drain, level, manure, plant, and otherwise improve the lands, to make bye-laws, to manage, and to appoint conservators. Money for improvements may be raised by means of rates, and not by the sale of any portion. It is not expected that, as regards the part to be regulated, much will be done in the way of improvement, either by planting or draining, the chief advantages anticipated from the regulation being the determination of rights and the limitation and regulation of the stock to be depastured.

The advantages anticipated from the inclosure of the 4,075 acres, with respect to private interests, are a great increase in productiveness, both as regards crops and stock.

Appendix, No. 1.

When viewed in relation to the benefit of the neighbourhood, the advantages contemplated are: the affording considerable employment to the labouring class in a district where work is much wanted; an increase in rateable value consequent upon increased productiveness; shelter and security to travellers from the exposed roads being fenced in, most of the main roads being within the part to be inclosed; the beneficial effect on the climate of planting, which would be done more extensively after inclosure than after regulation; the prevention of the spreading of contagious diseases amongst the cattle; the prevention of disputes by the settlement of the rights of all parties; and the avoidance of hounding of sheep, and the quarrels incident thereto.

We have, &c.
(signed) G. Ridley,
G. A. Leach,
Inclosure Commissioners.

The Right Hon. the Secretary of State
for the Home Department.

PROVISIONAL ORDER for the Regulation of a Common.

WHEREAS persons interested in certain lands called or known as East Stainmore Common, situate in the township of East Stainmore, in the parish of Brough, in the county of Westmorland, such lands being a common within the meaning of "The Inclosure Acts, 1845 to 1878," have made application to the Inclosure Commissioners for England and Wales to issue Provisional Orders for the regulation of part, and for the inclosure of the residue, of such common, and to certify that it is expedient that such Provisional Orders should be confirmed by Parliament:

And whereas it has been made to appear to the said Commissioners that the persons making the said application represent at least one-third in value of such interests in the said common as are proposed to be affected by the Provisional Orders:

And whereas the said Commissioners, having taken the said application into consideration, were satisfied that a *prima facie* case had been made out, and that, regard being had to the benefit of the neighbourhood as well as to private interests, it was expedient to proceed further in the matter, and accordingly ordered a local inquiry to be held by an Assistant Inclosure Commissioner:

And whereas the said Assistant Commissioner, having caused public notices to be given as required by the Acts, held, pursuant to the said notices, public meetings at the Slip Inn, in the said township, on the 6th day of April 1877, at 11 o'clock in the forenoon and at 7 o'clock in the evening, and on the 10th and 11th days of December 1878, at the respective hours of 7 in the evening and 11 in the forenoon, to hear all persons desirous of being heard on the subject matter of the said application, and any information or evidence which might be offered in relation thereto, and inquired into the correctness of the statements in the said application, and otherwise into the expediency of making the Provisional Orders applied for, and into the nature of the provisions to be inserted in such Provisional Orders:

And whereas the said Assistant Commissioner inspected the said common, as required by the said Acts:

And whereas the said Assistant Commissioner duly reported in writing to the said Commissioners the result of the local inquiry and of the public meetings held by him, together with the information obtained by him as to the several particulars in the said application, and all other information required by the said Acts, and annexed to his Report a map of the said common, a copy of which map, so far as it relates to the subject-matter of this Order, is hereto annexed:

And whereas the part of the said common proposed to be regulated is delineated on the map hereto annexed, and thereon edged with green:

And whereas Sir Henry James Tufton, Bart., as Lord of the Lordship of East Stainmore, within the manor of Brough, is entitled to the soil of the said common:

Now, therefore, in pursuance of the powers given to us by the said Acts, we, the Inclosure Commissioners of England and Wales, being satisfied that, having regard to the benefit of the neighbourhood as well as to private interests, the regulation of part of the said common is desirable, have framed for the consideration of the persons interested this our draft Provisional Order, specifying the provisions for the adjustment of rights and the improvement of the common which are to be put in force, and the terms and conditions on which, provided the necessary consents are given thereto, we are prepared to certify that it is expedient the Provisional Order should be confirmed by Parliament; that is to say,—

That the part of the said common to be regulated be that which is included within an edging of green colour on the map hereto annexed.

That for the adjustment of rights the following provisions be put in force; that is to say, provisions for—

1. As respects rights of common of pasture, the determination of the persons by whom, the stock by which, and the times at which, such common of pasture is to be exercised.

2. As respects rights of common of turbary, or taking of estovers, or taking
gravel,

gravel, stone, or otherwise interfering with the soil of the part of the said common to be regulated, the determination of the persons by whom, and the mode and place or places in which, and the times at which, such rights, or any of them which may be proved to exist, are to be exercised.

3. The determination of any rights, and settlement of any disputes relating to boundaries, rights in the soil, or in the produce of the soil, or otherwise, should any such disputes be found to exist.

That for the improvement of the part of the said common to be regulated, the following provisions to be put in force; that is to say, provisions for—

1. The draining, manuring, and levelling of such part of the said common as may be found necessary.

2. The planting of trees, whether for shelter or otherwise, or in any other way improving or adding to the beauty of such part of the said common.

3. The making of bye-laws and regulations for the prevention of or protection from nuisances, and for keeping order on such part of the said common.

4. The general management of such part of the said common.

5. The appointment from time to time of conservators of such part of the said common for the purposes of such improvement, such conservators being persons interested in such part of the said common.

That the aforesaid provisions for adjustment of rights and for improvement shall apply to all that part of the said common which is to be regulated.

That quarries for the repair of roads within the said township, and for the use of the persons interested in the part of the said common to be regulated on their lands within the lordships of East Stainmore, Brough, and Brough Sowerby, but not otherwise, or for sale, be set out to the satisfaction of the Inclosure Commissioners.

That if found necessary, carriage-roads, bridle-roads, and footpaths, be set out to the satisfaction of the Inclosure Commissioners, as may be most convenient for public use.

That one-sixteenth part in value of the rights of common of pasture over the part of the said common to be regulated, be allotted under the provisions of the said Acts to the said Sir Henry James Tufton, as lord of the said lordship, in lieu of his right and interest in the soil of such part of the said common, so far as the same is affected by this Order, such allotment to be without prejudice to any right of pasture, or other right of common or interest in the nature of a right of common, which may have been usually enjoyed by such lord or his tenants upon such part of the said common, and which said right of pasture or other right, if any, is to be compensated for and determined under the provisions hereinbefore referred to, for the adjustment and determination of rights of common of pasture.

That the mines, minerals, stone, and other substrata under the part of the said common to be regulated (except quarries to be set out as aforesaid), be reserved to the lord of the lordship, together with a right to enter such part of the said common, for the purpose of opening, working, or winning such mines, minerals, stone, and other substrata except as aforesaid.

Provided always, that the person or persons exercising such right, shall in the exercise thereof, do as little damage to the surface of the common as reasonably may be, and shall not prejudicially affect any quarry, carriage road, bridle road, or footpath, to be set out as aforesaid, and shall pay compensation for any damage done thereby to any drain made, tree planted, or improvement executed under the powers aforesaid, such compensation to be paid to the conservators for the time being, to be applied by them in improving the part of the said common to be regulated, and the conservators for the time being shall have power to sue for, recover, receive, and give effectual receipts for, and to settle all questions relating to such compensation.

That the right of the lord of the said lordship to all manner of game upon the part of the said common to be regulated, together with the right of hunting, hawking, and fowling over the same, with full power and authority for him, and all persons authorised by him, to enter upon such part of the said common for the convenient exercise of such rights, and to watch and preserve the game, and prevent unauthorised persons from the destruction or pursuit thereof, be reserved to the lord of the said lordship.

That there may be raised by the conservators for the time being such sums as the said Inclosure Commissioners shall think fit, and by order from time to time, under their seal, at the request of the conservators, direct, to be applied towards the improvement or protection of the part of the said common to be regulated, and to be raised by means of rates to be levied upon the respective owners of rights of common of pasture, according to the value of such rights as ascertained from the award, and to be recoverable by the conservators, or any officer appointed by them for the purpose, in such manner as nearly as circumstances will permit, as if the same had been rates recoverable by a field reeve appointed under the powers of the said Acts, or any of them.

That for the purposes of giving complete effect to this Provisional Order, and to enable the conservators to carry out their duties in the most efficient manner, there shall be inserted in the award to be made in pursuance of the said Acts, such provisions not incon-

Appendix, No. 1. sistent with such Acts as the said Inclosure Commissioners shall think desirable and proper.

In witness whereof we have hereunto set our official seal this 30th day of January One thousand Eight hundred and Seventy-nine.

L. S.

PROVISIONAL ORDER for the Inclosure of a Common.

WHEREAS persons interested in certain lands called or known as East Stainmore Common, situate in the township of East Stainmore in the parish of Brough, in the county of Westmorland, such lands being a common within the meaning of "The Inclosure Acts, 1845 to 1878," have made application to the Inclosure Commissioners for England and Wales to issue Provisional Orders for the regulation of part, and for the inclosure of the residue, of such common, and to certify that it is expedient that such Provisional Orders should be confirmed by Parliament:

And whereas it has been made to appear to the said Commissioners that the persons making the said application represent at least one-third in value of such interests in the said common as are proposed to be affected by the Provisional Orders:

And whereas the said Commissioners, having taken the said application into consideration, were satisfied that a *primâ facie* case had been made out, and that, regard being had to the benefit of the neighbourhood as well as to private interests, it was expedient to proceed further in the matter, and accordingly ordered a local inquiry to be held by an Assistant Inclosure Commissioner:

And whereas the said Assistant Commissioner, having caused public notices to be given as required by the said Acts, held, pursuant to the said notices, public meetings at the Slip Inn, in the said township, on the 6th day of April 1877, at 11 o'clock in the forenoon and at 7 o'clock in the evening, and on the 10th and 11th days of December 1878, at the respective hours of 7 in the evening and 11 in the forenoon, to hear all persons desirous of being heard on the subject matter of the said application, and any information or evidence which might be afforded in relation thereto, and inquired into the correctness of the statements in the said application, and otherwise into the expediency of making the Provisional Orders applied for, and into the nature of the provisions to be inserted in such Provisional Orders:

And whereas the said Assistant Commissioner inspected the said common, as required by the said Acts:

And whereas the said Assistant Commissioner duly reported in writing to the said Commissioners the result of the local inquiry and of the public meetings held by him, together with the information obtained by him as to the several particulars in the said application, and all other information required by the said Acts, and annexed to his Report a map of the said common, a copy of which map, so far as it relates to the subject matter of this Order, is hereto annexed:

And whereas the part of the said common proposed to be inclosed is delineated on the map hereto annexed, and thereon edged with red:

And whereas Sir Henry James Tufton, Bart., as Lord of the Lordship of East Stainmore, within the manor of Brough, is entitled to the soil of the said common:

Now, therefore, in pursuance of the powers given to us by the said Acts, we, the Inclosure Commissioners for England and Wales, being satisfied that, having regard to the benefit of the neighbourhood as well as to private interests, the inclosure of part of the said common is desirable, have framed for the consideration of the persons interested this our draft Provisional Order, specifying the terms and conditions on which, provided the necessary consents are given thereto, we are prepared to certify that it is expedient the Provisional Order should be confirmed by Parliament; that is to say,—

That the part of the said common to be inclosed be that which is included within an edging of red colour on the map hereto annexed.

That 40 acres be allotted for recreation ground in the following situations; that is to say,—

Fifteen acres in Brough Riggs, at the end nearest the town;

Six acres near the Slip Inn, at the spot marked A. on the map hereto annexed.

Six acres near the Punch Bowl Inn, at the spot marked B. on the said map.

Four acres on the summit of the hill near "Maiden Castle," at the spot marked C. on the said map, and nine acres at and around "Maiden Castle."

That 10 acres on Buscoe Moor, at or near the spot marked D. on the said map, be allotted for field gardens.

That 10 acres at or near the spot marked E., and six acres at or near the spot marked F., on the said map, be set out as public turbary grounds for the use of the inhabitants of the said township.

That quarries for the repair of roads within the said township, and for the use of the allottees under the inclosure on their respective allotments, and on their lands in respect of

of which allotments are set out within the lordships of East Stainmore, Brough, and Brough Sowerby, but not otherwise or for sale, be set out to the satisfaction of the Inclosure Commissioners.

That there be reserved to the owners of allotments which are set out in respect of their ancient lands under the inclosure, the right to get stone on their respective allotments for their own use thereon, and on their ancient lands in respect of which such allotments are set out within the said lordships of East Stainmore, Brough, and Brough Sowerby, but not otherwise or for sale.

That if found necessary, carriage roads, bridle roads, and footpaths be set out to the satisfaction of the Inclosure Commissioners as may be most convenient for public use.

That one-sixteenth part in value of the residue of the part of the said common to be inclosed be allotted under the provisions of the said Acts to the said Sir Henry James Tufton, as lord of the said lordship, in lieu of his right and interest in the soil of such part of the said common exclusively in his right and interest in all mines, minerals, stone, and other substrata (except as aforesaid) under the same, and also exclusively of any right of pasturage or other right of common, or interest in the nature of a right of common, which may have been usually enjoyed by such lord or his tenants upon such part of the said common, which said right of pasturage, or other right, if any, is to be compensated by allotments or otherwise, independently of the allotment hereby stipulated in respect of his right and interest in the soil.

And in respect of the mines, minerals, stone, and other substrata (except as aforesaid) under such part of the said common which are hereby excepted from the inclosure and reserved to the lord of the lordship, it is hereby specified as follows, that is to say :—

That a right to enter such part of the said common when inclosed for the purpose of opening, working, or winning such mines, minerals, stone, and other substrata (except as aforesaid) be reserved to such lord of the lordship, compensation to be made by the persons exercising such right for any damage to the surface which may thereby be done.

In witness whereof we have hereunto set our official seal this thirtieth day of January One thousand Eight hundred and Seventy-nine.

L. S.

COMMONS AND WASTE LANDS IN THE TOWNSHIP OF MALTBY AND HAMLET OF STONE.

Report with respect to Waste Lands at Maltby, in the County of York.

To the Right Honourable the Secretary of State for the Home Department.

Inclosure Commission, 3, St. James's-square, S.W.,
15 March 1879.

Sir,

WE have the honour to forward to you our Report upon an application, under the Commons Act, 1876, for the inclosure of the commons and waste lands in the township of Maltby and hamlet of Stone, both in the parish of Maltby, in the West Riding of the county of York.

The necessary consents having been signified to the Provisional Order, a copy of which is hereto annexed, we certify that it is expedient the same should be confirmed by Parliament, for the reasons hereinafter detailed, it having been proved to our satisfaction that the inclosure will be of benefit to the neighbourhood as well as to private interests.

The commons and waste lands consist of the several tracts known as Woodlee, 24½ acres, the Low Common, 16 acres 2 roods 11 perches, the Further Common, 34 acres 2 roods 16 perches, and Stone Green Common, three acres, together 78 acres 2 roods 27 perches. The last-named tract lies away from the rest, and is rather more than two miles from Maltby. The Low Common and the Further Common practically form one long irregular tract, the nearest portion rather more than a mile from the village. They are not at all resorted to for recreation, being somewhat out of the way, and Low Common, the nearer to the village, is very wet land. Woodlee, 24½ acres, is just outside the village, and is intersected by the turnpike road to Retford. It is an attractive spot, much resorted to, and is to be preserved as an open space or recreation ground. The smaller portion, to the north of the road, is fairly level and suitable for games; the other portion is wild and rocky. It is not intended to interfere with its natural picturesque features.

The parish of Maltby at the last census contained 805 inhabitants, but the number is said to be now about 700. Their occupation is entirely agricultural. Rotherham, population 27,000, is six and a half miles distant; Doncaster, population 18,000, about 10 miles; and Sheffield, population 239,000, about 13 miles. Tickhill, with 1,844 inhabitants, is three miles distant.

About three miles from Maltby, near the Retford Road, are the ruins of Roche Abbey, belonging to the Earl of Scarbrough. The Abbey grounds, of more than 100 acres in extent,

Appendix, No. 1. extent, are thrown open to the public on two days in each week, and are much visited during the summer by parties from Sheffield and Rotherham. These are the parties by whom Woodlee is chiefly resorted to; they pass it on their way to and from the abbey grounds.

There are about 75 cottages at Maltby, of which 19 have good and sufficient gardens attached to them; five and a half acres of land were left some years ago by will for the benefit of the village, which are available for garden allotments, and three and a half acres are now so occupied in portions of about half a rood each. Other land has also lately been offered for the same purpose, but there is not at present a demand for it. Of the 12 cottages near Stone Green Common, some have gardens and some have none. These cottages are of a wretched character, and the district medical officer of health stated during the inquiry that, if they were not removed by the owners, he should be obliged to condemn them and have them pulled down. They stand upon land belonging to the lord of the manor, but are the property of other people. When they are removed, as they shortly must be, the lord will, according to his custom, set apart good and sufficient gardens for the new cottages which will be built in their stead. The lord has made allottable, under the powers of the Inclosure Acts, five acres of good and suitable old inclosed land near the village for additional garden ground, which, though not required for immediate use, will be available whenever the demand for it may arise. Further and Low Commons are too far off to be convenient, and no other piece so suitable or near to the village could be obtained.

Two quarries for the supply of road material are to be reserved to the surveyors of highways.

Provision is made also for setting out roads and paths as may be found most commodious.

The whole of the lands are waste of the manor of Maltby. Common rights, of pasturage only, belong to the owners of certain "toftsteads," and may be exercised at all times of the year. Each toftstead is supposed to carry an equal right. In practice, however, the rights have been exercised without limit.

There are beds of limestone and seams of coal under all the lands proposed to be dealt with, but with the exception of certain stone quarries, they have never been worked. The lord does not ask for any reservation of minerals and substrata, beyond a particular quarry on the Further Common, which has been worked by, and is to be reserved to him. Two other quarries, as before stated, are to be set out to the surveyors for the repair of public roads.

The manorial allotment, in lieu of the right in the soil and minerals, is to be one-sixteenth in value of what remains after providing for public purposes.

The benefits which will accrue to the neighbourhood if the inclosure is carried out, are that Woodlee, 24½ acres, will be preserved as an open space, under proper control, and will continue to be an attraction to the district; that five acres of good land, worth nearly three times the same extent of waste, will be obtained for the poor for additional garden ground, thus permanently securing for the public, allotments equal in value to one-half of the land proposed to be dealt with; and further, that when the rest of the waste land is allotted in severalty, sites will be provided for the erection of new cottages, with suitable gardens, in place of such of the existing ones as must be pulled down; that the rateable value of the parish will be increased; that new roads will be made where most convenient, and that the risk of infectious diseases among animals will be diminished.

As regards private interests, the common-right owners will have the advantage of separate allotments to turn to the most profitable account, instead of their existing rights, which are not of much value to them.

The public meetings held in the course of the local inquiry were fairly attended. At the morning meeting 27 persons were present: landowners, farmers, tradespeople, professional men, clergymen, an inspector of nuisances, a schoolmaster, and others. In the evening, in addition to several who were at the morning meeting, there were 31 others, most of whom were of the labouring class. A petition, signed by 37 persons living at Rotherham, was handed to the Assistant Commissioner, protesting against the inclosure, "as being opposed to the best interests of the inhabitants of this district," and stating that "the common has from time immemorial been regarded as a recreation-ground for the inhabitants of this neighbourhood, and the thousands of visitors to whom Maltby and Roche Abbey and the locality is an annual resort." The only part of the waste so used is that known as Woodlee, hereinbefore described, which is to be preserved as an open space and recreation-ground. This was admitted by several of the objectors, when the proposed reservation was mentioned, to be a sufficient answer to the petition. The other parts of the waste, from their situation and character, are not likely to become of value to the neighbourhood for recreation purposes. One or two of those present at the evening meeting, who claimed no rights over the waste, said that the inclosure would be a great hardship to them, because they would no longer be able to turn out a horse, or horses, on the common for a small payment, as has been heretofore permitted. But this objection will be met, and the interests of the poorer inhabitants in this respect will be better provided for, by the churchwardens and overseers, in whom Woodlee will be vested, so exercising the power which the Act confers upon them as to give the preference to the poorer inhabitants in letting the grass and herbage growing on that tract, and there is no reason to doubt that this will be done.

As a considerable time elapsed between the local inquiry and the issue of the Provisional Order, pending arrangements upon several points, we thought it advisable that the

Assistant

Assistant Commissioner should hold another meeting for the purpose of receiving consents, and also for hearing any statement or evidence which persons not legally or pecuniarily interested might wish to give respecting the proposed inclosure. This meeting, held in February last, was numerously attended by persons of all classes. Formal consents to the Provisional Order, representing six-sevenths of the whole interest, were given, and only two of the 28 parties interested dissented.

Objections were made similar in character to those put forward at the previous meeting. A memorial was handed in signed by 50 of the 700 inhabitants of Maltby, who were represented at the meeting by a solicitor, objecting to the inclosure as not being for the benefit, health, happiness, comfort, and convenience of the neighbourhood. The opposition does not appear to be general on the part of the inhabitants, but the memorial was understood to be chiefly promoted by persons who have been accustomed to turn horses on the common on payment of a small acknowledgment. As already explained, their interests will be met by the preservation of Woodlee as an open space. The vicar was of opinion that the advantages of the common in this respect were only a temptation to an idle and irregular life, and by no means an unmixed benefit, either to the parties themselves or to the neighbourhood.

Mr. George Rolleston, Linacre Professor of Anatomy and Physiology at Oxford, a son of the late vicar of Maltby, also objected to the inclosure. A copy of a letter explaining his views, which he addressed to the Assistant Commissioner, is annexed. His objections are, to a considerable extent, met by the permanent preservation of Woodlee as an open space. The only further objection raised was an assertion that the land is not common at all; but no evidence was produced to prove it, and it appears to be unfounded.

The balance of evidence is clearly in favour of dealing with the wastes in the manner proposed, and we are of opinion that public interests will be best served by inclosure on the terms and conditions of the Provisional Order being sanctioned. The parties interested do not consider that the provisions of the Act for regulation could be profitably applied to these wastes, which are too small in extent, and do not lie conveniently enough together to warrant the expense which would be involved. The only alternative to inclosure would be to leave matters as they are, in which case none of the public benefits above mentioned would be secured. We therefore recommend the Provisional Order for confirmation by Parliament.

We have, &c.
(signed) *G. Ridley,*
G. A. Leach,
Inclosure Commissioners.

PROVISIONAL ORDER for the Inclosure of a Common.

WHEREAS persons interested in certain lands called or known as the commons and waste lands in the township of Maltby and hamlet of Stone, both in the parish of Maltby, in the county of York, such lands being a common within the meaning of "The Inclosure Acts, 1845 to 1876," and hereinafter designated "the said common," have made application to the Inclosure Commissioners for England and Wales to issue a Provisional Order for the inclosure of the said common, and to certify that it is expedient that such Provisional Order should be confirmed by Parliament:

And whereas it has been made to appear to the said Commissioners that the persons making the said application represent at least one-third in value of such interests in the said common as are proposed to be affected by the Provisional Order:

And whereas the said Commissioners, having taken the said application into consideration, were satisfied that a *prima facie* case had been made out, and that, regard being had to the benefit of the neighbourhood as well as to private interests, it was expedient to proceed further in the matter, and accordingly ordered a local inquiry to be held by an Assistant Inclosure Commissioner:

And whereas the said Assistant Commissioner, having inspected the said common, and having caused public notice to be given as required by the said Acts, held, pursuant to the said notice, public meetings on the 20th day of February 1877, at twelve o'clock at noon, and at seven o'clock in the evening, at the White Swan Inn in the said parish, to hear all persons desirous of being heard on the subject matter of the said application, and any information or evidence which might be offered in relation thereto, and inquired into the correctness of the statements in the said application, and otherwise into the expediency of making the Provisional Order applied for, and into the nature of the provisions to be inserted in such Provisional Order:

And whereas the said Assistant Commissioner duly reported in writing to the said Commissioners the result of the local inquiry and of the public meetings held by him, together with the information obtained by him as to the several particulars in the said application, and all other information required by the said Acts, and annexed to his report a map of the said common, a copy of which map is hereto annexed:

And whereas the Right Honourable Richard George, Earl of Scarborough, as lord of the manor of Maltby, otherwise Maultby, is entitled to the soil of the said common:

And whereas after the said application for a Provisional Order had been made to the said Commissioners, the said Richard George, Earl of Scarborough, the person interested

Appendix, No. 1. within the meaning of the said Acts in certain lands not subject to the operation of the proposed inclosure (which lands are on the map hereto annexed, coloured green, and marked respectively A. and B., and are in the terms and conditions hereinafter specified referred to as "the said lands marked A.," and "the said lands marked B.," respectively), did by application in writing to the said Commissioners, duly submit such lands to the operation of the said proposed inclosure under the provisions of the said Acts :

And whereas the said Commissioners duly gave notice by advertisement in two successive weeks, of their intention to embody in their Provisional Order, in the matter of the said inclosure, such directions and agreements in reference to the said application of the said Richard George, Earl of Scarbrough, as might be necessary to carry out the desire of the said Richard George, Earl of Scarbrough, to submit his said lands to the operation of the said proposed inclosure :

And whereas one calendar month has elapsed from the publication of the last of such advertisements, and no notice of dissent from such proposed directions and agreements has been given to the said Commissioners :

Now, therefore, in pursuance of the powers given to us by the said Acts, We, the Inclosure Commissioners for England and Wales, being satisfied that, having regard to the benefit of the neighbourhood as well as to private interests, the inclosure of the said common is desirable, and that the proposal of the said Richard George, Earl of Scarbrough, is beneficial, have framed for the consideration of the persons interested, this our draft Provisional Order, specifying the terms and conditions on which, provided the necessary consents are given thereto, we are prepared to certify that it is expedient the Provisional Order should be confirmed by Parliament, that is to say :—

That the said lands marked A., and the said lands marked B., be submitted to the operation of the proposed inclosure in consideration of an allotment or allotments to be made under such inclosure.

That the tract called or known as Woodlee, including the said lands marked A., and containing in the whole 24½ acres or thereabouts, be allotted for recreation ground, subject, however, to the allotment of the quarry hereinafter mentioned.

That the said lands marked B., containing five acres, be allotted for field gardens.

That two quarries, one on Woodlee, and one on the Further Common, be allotted for the repair of the highways within the parish.

That carriage roads, bridle roads, and footpaths be set out to the satisfaction of the Inclosure Commissioners, as may be found necessary and convenient.

That one-sixteenth part in value of the residue of the said common be allotted under the provisions of the said Acts to the said Richard George, Earl of Scarbrough, as lord of the said manor, in lieu of his right and interest in the soil of the said common, inclusively of his right and interest in all mines, minerals, stone, and other substrata under the same, except that there shall be reserved and allotted to the said lord of the manor as his exclusive property, the quarry on the Further Common, now or lately worked by him, not exceeding half an acre in extent.

That the said allotment of one-sixteenth part in value of the residue of the said common be exclusive of any right of pasturage, or other right of common or interest in the nature of a right of common, which may have been usually enjoyed by such lord or his tenants upon the said common, which said right of pasturage, or other right, if any, is to be compensated by allotments or otherwise, independently of the allotment hereby stipulated in respect of his right and interest in the soil.

In witness whereof we have hereunto set our official seal this 22nd day of January One thousand Eight hundred and Seventy-nine.

L.S.

COPY of Letter from Professor Rolleston to the Assistant Commissioner.

Dear Sir,

Oxford, Saturday, 22 February 1879.

In answer to your letter of 19th February 1879, relating to the proposed inclosure of portions of Maltby Commons, I have to say that though, from not being upon the spot, I have less right to be heard than I should have been if I had been living there, as I did for many years, I still think I may, from my long consideration of the question, have a sort of right to make some suggestions about it.

Of the exact quantitative value of the equivalent offered by Lord Scarbrough in exchange for the common land specified, it is impossible to take or make a fair estimate unless we take a somewhat wider view of the case than one furnished to us by a statement of the immediate agricultural or pasture value of so many poles or perches of so much more or less valuable, more or less workable soil. We have to take, or forbear from taking, steps which will concern not merely the present but future generations also, not merely Maltby but the towns in its neighbourhood also.

A form of industry which Maltby may be likely to develop in the future, is that of providing temporary lodgings to persons from such places as Rotherham and Sheffield. These towns are likely to increase, as the experience of the last few years shows, as long as our coal and iron trade holds its present place in the manufactures of the world ; and I

am

am well assured from pretty intimate knowledge of all the three places specified and concerned, that Maltby might serve, to put it shortly, as an excellent sanatorium for the two former of the three. But the good done by a sanatorium depends not merely upon the qualities of its soil and water, but upon its possession of a third hygienic necessity, viz., pure and fresh air, and plenty of it. And there is a fourth thing only artificially separable from this third, and that is its scenery, and the availability of this scenery for that soothing of the eye and mind which gives us perhaps as much as two-fifths of all the good obtained by "change and recreation."

The curtailment of the open common land means the curtailment of these two latter agencies for increasing the happiness and enjoyment of the large town populations, and also the advancement of the one or two village communities concerned.

I take the opportunity of repeating now what I have said before elsewhere, viz., that it is a matter of great regret to me that Hooton Hillside should have been in part inclosed, and planted with larches. Larch is commercially a very profitable tree; it grows rapidly, and is in demand for various purposes; but the occupation by it of a previously open space in a previously picturesque valley, is (whatever its legal justifiability, which I doubt) practically and morally a "tort" upon everybody who even visits Maltby. It is equivalent to the establishment of a vegetable manufactory on an area which had a commercial value of its own as being picturesquely attractive. It may not be offensive to the noses as a pyroligneous acid manufactory is said to be, nor injurious to the lungs as other manufactories are, but it is offensive to the eyes, and it occupies an area which was available for exercise, and, though exercise for recreation, a matter of some consequence to people looking from the fumes and dusts of Sheffield and Rotherham.

I suppose that what I have written must be considered as public; I should wish it to be considered so.

I am only sorry that owing to a great pressure of engagements, what I have written is so inadequate to the occasion.

I have written a somewhat similar letter to Mr. George Lister, of Maltby, who has written to me in return.

I am, &c.
(signed) *George Rolleston, M.D., F.R.S.,*
Linacre Professor of Anatomy and Physiology,
and Fellow of Merton College, Oxford.

Appendix, No. 2.

MATTERDALE COMMON.

REPORT with respect to MATTERDALE COMMON, in the County of *Cumberland*.

To the Right Honourable the Secretary of State for the Home Department.

Inclosure Commission, 3, St. James's Square, S.W.,
25 March 1879.

Sir,

WE have the honour to forward to you our Report upon the application, under the Commons Act, 1876, for the regulation of part and the inclosure of the residue of Matterdale Common, in the township of Matterdale and parish of Greystoke, in the county of Cumberland.

The necessary consents having been given to the Provisional Orders, copies of which are hereto annexed, we certify that it is expedient the same should be confirmed by Parliament, for the reasons hereinafter detailed, it having been proved to our satisfaction that the proposed dealings with the Common will be of benefit to the neighbourhood as well as to private interests.

The Common contains 5,459 acres, all waste and uncultivated land. The higher parts adjoin the open Commons of Wythburn, St. John's, and Threlkeld. Troutbeck Station, on the Cockermouth, Keswick, and Penrith Railway, is just beyond the limits of the northern or lower part of the Common, one corner of which is crossed by the Railway.

The proposition of the parties interested was that 3,214 acres should be inclosed, and the remaining 2,245 acres regulated. We thought it probable, however, that some portion of the 3,214 acres might be too high and exposed for profitable management under inclosure, and therefore specially referred the point for inquiry at the public meetings. The line of division proposed was fixed with reference chiefly to a public road, which

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crosses

Appendix, No. 2. crosses the Common, and marks a natural boundary. If a wall fence were erected along the side of the road, the shelter which would thus be afforded to travellers and others would be a strong reason for adopting that line. But it was stated that the stone for such a purpose would be difficult or expensive to get, and a fence of another description would be useless for shelter. After carefully weighing all that was said on the subject, it was decided to modify the boundaries proposed by adding a portion, containing 420 acres, to the land for regulation, thus reducing the area for inclosure to 2,794 acres, and increasing that for regulation to 2,665 acres. This modification is made by the Provisional Order under the power given in the Commons Act, 1876.

The greater part of the land to be regulated is above 1,500 feet in altitude, the highest point being a mountain top known as Great Dodd, 2,807 feet.

The Common is six miles distant from Keswick, which has 2,777 inhabitants, and eight from Penrith, which has 7,777. There are no other towns in the neighbourhood. The village of Patterdale is about four miles off, and has a Common of 6,000 or 7,000 acres in close proximity. The population near Matterdale Common is very scanty. There are a few small collections of houses adjoining or within one mile, namely, Dockray, with about 12 houses, Matterdale End with 10, High Row, Dowthwaite Head, and Troutbeck, with about six each. The population of the township of Matterdale is 426. Their chief occupation is agricultural.

The inhabitants do not resort to the Common for recreation or for playing games, but tourists in the district sometimes go across the higher part of it to Great Dodd.

Two recreation grounds, of seven acres each, are to be set out, convenient for the inhabitants near them; and a privilege of playing games and of enjoying other species of recreation on 30 acres of the land to be regulated is to be reserved for the benefit of those living in that locality and neighbourhood. These provisions will meet the requirements of all persons residing near the Common. Proper access to Great Dodd will be provided by a green bridle-road, leading out of the public-road, and returning by a different route; and a right will also be secured to the public to walk over all the part to be regulated, except the 420 acres added since the application was made, which lie on the opposite side of the public-road, and consist, to a great extent, of peat moss.

Most of the cottages have gardens, in size about 15 perches. They are owned by small farmers or yeomen, who can give to each as much garden as is wanted. To meet any possible requirement for garden ground, two allotments, of five acres each, are to be set out in convenient places.

A new public-road is to be made, whereby the distance from High Row and Dowthwaite to Troutbeck Station will be shortened by about two miles, and a steep descent into Dockray, and a corresponding ascent from that village avoided. Another road, which stops short at the Common, is to be continued across it to Troutbeck, and further roads and paths are to be set out if found necessary.

A public turbary allotment is to be provided for the use of the inhabitants.

Quarries are to be set out for the repair of roads, and for the use of the allottees under the inclosure upon their lands. The allottees are also to have the right to get stone on their respective allotments for their own use.

The lord of the manor of Matterdale, in the barony of Greystoke, is entitled to the soil of the Common. Pasturage rights may be exercised at all times of the year by the tenants of the manor, and rights of turbary by such tenants of other manors within the barony as pay "moss-rents." The lord of the manor is to have one-sixteenth in value, after providing for public allotments, of the lands to be inclosed, in lieu of his right and interest in the soil of those lands; and the minerals and other substrata under the entire Common, except quarries and stone as before mentioned, are to be reserved to him. It is not supposed that there are any valuable substrata. The lord is also to have one-sixteenth in value of the pasturage rights over the regulated part, in lieu of his right in the soil of such part so far as it is affected by the Provisional Order. The right of sporting over the land to be regulated is to be reserved to the lord, as well as a concurrent right with the owners of the allotments over the land to be inclosed.

As regards the part to be regulated, provision is made for the determination of the rights of pasturage and of turbary, and of any other common rights which may be proved to exist, and for the settlement of questions as to boundaries, if any. For the improvement of the Common, power is taken to drain, level, and manure, to plant trees, to erect such fencing as may be found necessary for shelter, or for protection of the planting, or of the due exercise of the rights of common, or in any other way to improve or add to the beauty of the Common, to make bye-laws, to manage, and to appoint conservators. Money for improvements may be raised by means of rates, and not by the sale of any of the land to be regulated.

In the course of the local inquiry two public meetings were held by the Assistant Commissioner. The morning meeting was attended by 42 persons, of whom 24 were yeomen, the others being farmers, labourers, agents, innkeepers, a blacksmith, and a cottager. In the evening there were 30 present, of the various classes just mentioned. Some were interested and some were not. There was only one opinion expressed at these meetings, and throughout the inquiry, by disinterested persons, and that was in favour of the inclosure of a considerable portion of the Common, and the regulation of the rest. Of the 51 persons interested, 33 have signed their names as consenting to the Provisional Orders. Their interests represent more than the requisite two-thirds in value. The lord of the manor also has consented.

The

The regulation of the higher and less improvable parts will be advantageous by the stints becoming saleable, by the land after drainage being able to carry better sheep, by giving more peaceable enjoyment of rights, and by helping to prevent hounding of sheep and quarrels arising from overstocking. The public will acquire a legal right to walk over the most attractive part of the Common, and the use of a bridle-road to and from Great Dodd.

The inclosure of the lower part will be beneficial to private interests by giving to the owners allotments in severalty, on which to expend their capital in a profitable manner, and by enabling them to keep a better quality of stock, and more of it.

When viewed in relation to the benefit of the neighbourhood, the inclosure is expedient for the following reasons :—1. A great improvement in value and productiveness will be effected. The present rental value is estimated at 2*s.* 6*d.* an acre, the value of cultivated land similar in quality being about 20*s.* The productiveness will be increased fourfold, and, as regards some parts, sixfold. 2. A large addition will be made to the rateable value of the township. 3. The new roads to be made will be an advantage, not only to the landowners, but also to the other inhabitants and to the neighbourhood generally. 4. Risk from contagious diseases amongst stock will be diminished. 5. There will be more demand for labour. 6. The climate will be improved by drainage and planting, which will be carried out more extensively under inclosure than under regulation. 7. An inconvenient gate on the road from Troutbeck to Patterdale will be removed, as the occasion for it will cease when the allotments are fenced off.

We have, &c.
(signed) *G. Ridley,*
G. A. Leach,
Inclosure Commissioners.

PROVISIONAL ORDER for the Regulation of a Common.

WHEREAS persons interested in certain lands called or known as Matterdale Common, situate in the parish of Greystoke, in the county of Cumberland, such lands being a Common within the meaning of "The Inclosure Acts, 1845 to 1878," have made application to the Inclosure Commissioners for England and Wales to issue Provisional Orders for the regulation of part, and for the inclosure of the residue of such Common, and to certify that it is expedient that such Provisional Orders should be confirmed by Parliament :

And whereas it has been made to appear to the said Commissioners that the persons making the said application represent at least one-third in value of such interests in the said Common as are proposed to be affected by the Provisional Orders :

And whereas the said Commissioners, having taken the said application into consideration, were satisfied that a *prima facie* case had been made out, and that, regard being had to the benefit of the neighbourhood as well as to private interests, it was expedient to proceed further in the matter, and accordingly ordered a local inquiry to be held by an Assistant Inclosure Commissioner :

And whereas the said Assistant Commissioner having caused public notice to be given as required by the said Acts, held, pursuant to the said notice, public meetings on the 5th day of December 1878, at 11 o'clock in the forenoon, and on the 6th day of December 1878, at 7 o'clock in the evening, at the Royal Hotel, Dockray, to hear all persons desirous of being heard on the subject matter of the said application, and any information or evidence which might be offered in relation thereto, and inquired into the correctness of the statements in the said application, and otherwise into the expediency of making the Provisional Orders applied for, and into the nature of the provisions to be inserted in such Provisional Orders :

And whereas the said Assistant Commissioner inspected the said Common as required by the said Acts :

And whereas the said Assistant Commissioner duly reported in writing to the said Commissioners the result of the local inquiry and of the public meetings held by him, together with the information obtained by him as to the several particulars in the said application, and all other information required by the said Acts, and annexed to his Report a map of the said Common, a copy of which map so far as it relates to the subject matter of this Order is hereto annexed :

And whereas it is expedient to modify the boundaries as proposed in the said application of the part of the said Common to be regulated and the part to be inclosed :

And whereas Henry Charles Howard, Esquire, as Lord of the Manor of Matterdale, in the Barony of Greystoke, is entitled to the soil of the said Common :

Now, therefore, in pursuance of the powers given to us by the said Acts, we, the Inclosure Commissioners for England and Wales, being satisfied that, having regard to the benefit of the neighbourhood as well as to private interests, the regulation of part of the said Common is desirable, have framed for the consideration of the persons interested this our draft Provisional Order, specifying the provisions for the adjustment of rights and the improvement of the Common which are to be put in force, and the terms and

Appendix, No. 2.

conditions on which, provided the necessary consents are given thereto, we are prepared to certify that it is expedient the Provisional Order should be confirmed by Parliament; that is to say,—

That the part of the said Common to be regulated be that which is included within an edging of green colour on the map hereto annexed.

That for the adjustment of rights the following provisions be put in force; that is to say, provisions for—

1. As respects rights of common of pasture; the determination of the persons by whom, the stock by which, and the times at which, such common of pasture is to be exercised.

2. As respects right of common of turbary, or taking of estovers, or taking gravel, stone, or otherwise interfering with the soil of the part of the said Common to be regulated, the determination of the persons by whom, and the mode and place or places in which, and the times at which such rights, or any of them which may be proved to exist, are to be exercised, and also, on compensation made to any person aggrieved, either by grant of a right of equal value, or with his consent in writing in money, the restriction, modification, or abolition of all or any of such rights which may permanently injure the Common.

3. The determination of any rights and settlement of any disputes relating to boundaries, rights in the soil, or in the produce of the soil, or otherwise, should any such disputes be found to exist.

That for the improvement of the part of the said Common to be regulated the following provisions be put in force; that is to say, provisions for—

1. The draining, manuring, and levelling of such part of the said Common as may be found necessary.

2. The planting of trees, or the erection of such fencing as may be found necessary for shelter or for the protection of the planting, or of the due exercise of the rights of Common; or in any other way improving or adding to the beauty of such part of the said Common.

3. The making of bye-laws and regulations for the prevention of or protection from nuisances, and for keeping order on such part of the said Common.

4. The general management of such part of the said Common.

5. The appointment from time to time of Conservators of such part of the said Common for the purposes of such improvement, such Conservators being persons interested in such part of the said Common.

That the foregoing provisions for adjustment of rights, and for improvement, shall apply to all that part of the said Common which is to be regulated.

That with a view to the benefit of the neighbourhood the following provisions be made part of the terms and conditions of this Order; that is to say,—

1. That there be set out to the satisfaction of the Inclosure Commissioners a green bridle road from Barberry Rigg-road to Great Dodd, such road to go to the summit by one route and to descend by another.

2. That there be reserved a right for the public to walk over the whole of the Common south of Barberry Rigg-road.

3. That there be reserved a privilege of playing games and of enjoying other species of recreation at all times on 30 acres at or near the spot marked X on the map hereto annexed.

4. That, if found necessary, carriage-roads, bridle-roads, and footpaths be set out, to the satisfaction of the Inclosure Commissioners, as may be most convenient for public use.

That quarries for the repair of roads within the township and for the use of the persons interested in the part of the said Common to be regulated upon their own lands, but not otherwise or for sale, be set out to the satisfaction of the Inclosure Commissioners.

That one-sixteenth part in value of the rights of common of pasture over the part of the said Common to be regulated be allotted, under the provisions of the said Acts, to the said Henry Charles Howard as lord of the said manor, in lieu of his right and interest in the soil of such part of the said Common so far as the same is affected by this Order, such allotment to be without prejudice to any right of pasturage or other right of common, or interest in the nature of a right of common, which may have been usually enjoyed by such lord or his tenants upon such part of the said Common, and which said right of pasturage or other right, if any, is to be compensated for and determined under the provisions hereinbefore referred to for the adjustment and determination of rights of common of pasture.

That

That the mines, minerals, stone, and other substrata under the part of the said Common to be regulated (except quarries to be set out as aforesaid) be reserved to the lord of the manor, together with a right to enter such part of the said Common for the purpose of opening, working, or winning such mines, minerals, stone, and other substrata except as aforesaid.

Provided always that the person or persons exercising such right shall, in the exercise thereof, do as little damage to the surface of the Common as reasonably may be, and shall not prejudicially affect any carriage-road, bridle-road, or footpath to be set out as aforesaid, and shall pay compensation for any damage done thereby to any drain made, tree planted, or improvement executed under the powers aforesaid; such compensation to be paid to the Conservators for the time being, to be applied by them in improving the part of the said Common to be regulated, and the Conservators for the time being shall have power to sue for, recover, receive, and give effectual receipts for, and to settle all questions relating to such compensation.

That the right of the lord of the said manor to all manner of game upon the part of the said Common to be regulated, together with the right of hunting, hawking, and fowling over the same, with full power and authority for him and all persons authorised by him to enter upon such part of the said Common for the convenient exercise of such rights, and to watch and preserve the game, and prevent unauthorised persons from the destruction or pursuit thereof, be reserved to the lord of the said manor.

That there may be raised by the Conservators for the time being such sums as the said Inclosure Commissioners shall think fit, and by order from time to time under their Seal, at the request of the Conservators, direct, to be applied towards the improvement or protection of the part of the said Common to be regulated and to be raised by means of rates to be levied upon the respective owners of the rights of common of pasture, according to the value of such rights as ascertained from the award, and to be recoverable by the Conservators or any officer appointed by them for the purpose, in such manner as nearly as circumstances will permit, as if the same had been rates recoverable by a field reeve appointed under the powers of the said Acts, or any of them.

That for the purposes of giving complete effect to this Provisional Order, and to enable the Conservators to carry out their duties in the most efficient manner, there shall be inserted in the award to be made in pursuance of the said Acts, such provisions not inconsistent with such Acts as the said Inclosure Commissioners shall think desirable and proper.

In witness whereof we have hereunto set our official Seal this Twenty-seventh day of February One thousand Eight hundred and Seventy-nine.

L. S.

PROVISIONAL ORDER for the Inclosure of a Common.

WHEREAS persons interested in certain lands called or known as Matterdale Common, situate in the parish of Greystoke, in the county of Cumberland, such lands being a Common within the meaning of "The Inclosure Acts, 1845 to 1878," have made application to the Inclosure Commissioners for England and Wales to issue Provisional Orders for the regulation of part, and for the inclosure of the residue, of such Common, and to certify that it is expedient that such Provisional Orders should be confirmed by Parliament:

And whereas it has been made to appear to the said Commissioners that the persons making the said application represent at least one-third in value of such interests in the said Common as are proposed to be affected by the Provisional Orders:

And whereas the said Commissioners, having taken the said application into consideration, were satisfied that a *prima facie* case had been made out, and that, regard being had to the benefit of the neighbourhood as well as to private interests, it was expedient to proceed further in the matter, and accordingly ordered a local inquiry to be held by an Assistant Inclosure Commissioner:

And whereas the said Assistant Commissioner having caused public notice to be given as required by the said Acts, held, pursuant to the said notice, public meetings on the 5th day of December 1878, at 11 o'clock in the forenoon, and on the 6th day of December 1878, at 7 o'clock in the evening, at the Royal Hotel, Dockray, to hear all persons desirous of being heard on the subject matter of the said application, and any information or evidence which might be offered in relation thereto, and inquired into the correctness of the statements in the said application, and otherwise into the expediency of making the Provisional Orders applied for, and into the nature of the provisions to be inserted in such Provisional Orders:

And whereas the said Assistant Commissioner inspected the said Common as required by the said Acts:

And whereas the said Assistant Commissioner duly reported in writing to the said Commissioners the result of the local inquiry and of the public meetings held by him, together with the information obtained by him as to the several particulars in the said application,

Appendix, No. 2.

application, and all other information required by the said Acts, and annexed to his Report a map of the said Common, a copy of which map, so far as it relates to the subject matter of this Order, is hereto annexed:

And whereas it is expedient to modify the boundaries, as proposed in the said application, of the part of the said Common, to be regulated and the part to be inclosed:

And whereas Henry Charles Howard, Esquire, as Lord of the Manor of Matterdale, in the Barony of Greystoke, is entitled to the soil of the said Common:

Now, therefore, in pursuance of the powers given to us by the said Acts, we, the Inclosure Commissioners for England and Wales, being satisfied that, having regard to the benefit of the neighbourhood as well as to private interests, the inclosure of part of the said Common is desirable, have framed for the consideration of the persons interested this our draft Provisional Order, specifying the terms and conditions on which, provided the necessary consents are given thereto, we are prepared to certify that it is expedient the Provisional Order should be confirmed by Parliament; that is to say,—

That the part of the said Common to be inclosed, be that which is included within an edging of red colour on the map hereto annexed.

That seven acres at or near the spot marked A. and seven acres at or near the spot marked B. on the said map, be allotted for recreation ground.

That five acres at or near the spot marked C., and five acres at or near the spot marked D. on the said map, be allotted for field gardens.

That there be set out a public carriage-road commencing at Moss Gate on the road from Dockray to Troutbeck Station, or at such point on the said road as may be found most convenient, passing Binx, thence to the west of the piece of land marked on the said map "late J. Murray," and thence leaving the piece of land marked "Elizabeth Lamb," to the east, to join the Barberry Rigg-road about High-row.

That the existing road marked S.S.T. on the said map, be extended from the point T. across the Common to Troutbeck Station.

That such further carriage-roads, bridle-roads, and footpaths be set out, to the satisfaction of the Inclosure Commissioners, as may be found necessary and convenient for public use.

That so much land at Binx as, in the opinion of the valuer, may be useful for the purpose, be set out as a public turbarry-ground for the use of the inhabitants.

That quarries for the repair of roads within the township, and for the use of the allottees under the inclosure on their respective allotments, and on their lands in respect of which allotments are made, but not otherwise or for sale, be set out to the satisfaction of the Inclosure Commissioners.

That there be reserved to the owners of allotments which are set out in respect of their ancient lands under the inclosure, the right to get stone on their respective allotments for their own use thereon, and on their ancient lands in respect of which such allotments are set out, but not otherwise or for sale.

That one-sixteenth part in value of the residue of the lands to be inclosed be allotted under the provisions of the said Acts to the said Henry Charles Howard as lord of the said manor in lieu of his right and interest in the soil of the said lands, exclusively of his right and interest in all mines, minerals, stone, and other substrata (except as aforesaid) under the same, and also exclusively of any right of pasturage, or other right of common, or interest in the nature of a right of common, which may have been usually enjoyed by such lord, or his tenants, upon the land to be inclosed, which said right of pasturage, or other right, if any, is to be compensated by allotments, or otherwise, independently of the allotment hereby stipulated in respect of his right and interest in the soil.

That there be reserved to the lord of the manor concurrently with the owners of the allotments, all manner of game upon the said lands when inclosed, together with the right of hunting, hawking, and fowling over the same, with full power and authority for him, and all persons authorised by him, to enter upon the said lands, when inclosed, for the convenient exercise of such rights, and to watch and preserve the game, and to prevent unauthorised persons from the destruction or pursuit thereof.

And in respect of the mines, minerals, stone, and other substrata (except as aforesaid) under the lands to be inclosed, and which are hereby excepted from the inclosure, and reserved to the lord of the manor, it is hereby specified as follows; that is to say,—

That a right to enter the said lands when inclosed for the purpose of opening, working, or winning such mines, minerals, stone, and other substrata (except as aforesaid), be reserved to such lord of the manor, compensation to be made by the persons exercising such right for any damage to the surface which may thereby be done.

In witness whereof we have hereunto set our Official Seal this Twenty-seventh day of February One thousand Eight hundred and Seventy-nine.

L. S.

Appendix, No. 3.

REDMOOR AND GOLBERDON COMMONS.

Appendix, No. 3.

REPORT relative to REDMOOR and GOLDBERDON COMMONS, in the County of
Cornwall.

To the Right Honourable the Secretary of State for the Home Department.

Inclosure Commission, 3, St. James's Square, S.W.,
31 March 1879.

Sir,

WE have the honour to forward to you our Report upon an application, under the Commons Act, 1876, for the inclosure of Redmoor and Golberdon Commons, in the parish of South Hill, in the county of Cornwall.

The necessary consents having been given to the Provisional Order, a copy of which is hereto annexed, we certify that it is expedient the same should be confirmed by Parliament, for the reasons hereinafter detailed, it having been proved to our satisfaction that the inclosure will be of benefit to the neighbourhood as well as to private interests.

Both of the tracts were formerly waste of a manor, but the commoners many years ago purchased the surface rights. The present proceedings affect the surface only, the minerals and substrata, which are in a separate ownership, being excepted from the operation of the Provisional Order.

Redmoor Common contains 207 acres. Its nearest part is not quite a mile from the town of Callington. Golberdon Common, 195 acres, begins about three quarters of a mile beyond the further extremity of Redmoor Common.

Redmoor Common is uncultivated pasture. It has a dry and light soil, much covered with gorse and fern.

Golberdon Common is mostly clay with some peat, and the rest a lighter red soil. By agreement among the several parties interested, it was, nearly half a century ago, set out in strips, which were for some time cultivated by the respective owners, the entire tract being depastured in common after the crops were gathered in. This system of cultivating unfenced strips, proving unprofitable, gradually ceased, and for some years past no strip has been ploughed up, but the whole has reverted to the condition of a common pasture. It is, however, in a much better state than Redmoor Common, and is surrounded by a fence.

Pasturage rights over both tracts are now exercised under a plan of regulation agreed upon among the owners, but the land is not in this way turned to the best account.

The south western extremity of Golberdon Common is as nearly as possible six miles from Liskeard, population 6,499. Due notice of the present proceedings was given to the sanitary authority of that town, as required by the Act. No objection was made by them, nor did they attend the local inquiry. The population of South Hill is 638. The occupation of its inhabitants is agricultural. A few miners live in the parish, but are employed elsewhere. Callington has a population of 2,173.

Within the memory of some of the older inhabitants the Cornish amusement of wrestling used to take place on the Commons, but they are not now resorted to for recreation or for playing games.

Two allotments of five acres each, one on either Common, are to be made for recreation purposes. The sites are as level and as near to the houses and schools as possible.

The number of cottages is about 50, several of them, formerly occupied by miners, being empty. Most have gardens attached, though some are not sufficiently large. Six acres on Golberdon Common and four acres on Redmoor Common are to be set out as allotments for field gardens.

Roads and paths, if found necessary, are to be set out as may be most convenient for public use.

When Callington Common was inclosed, in 1864, four acres were set out for gardens, and the same extent for recreation. According to a report made to us by the parish officers in May 1877, pursuant to Section 28 of the Commons Act, the garden allotment is appreciated by the poor inhabitants, but the recreation ground is not much used. In the neighbouring parish of Calstock, on an inclosure in 1862, allotments of five acres each were made for recreation and for gardens. According to a report similar to that just mentioned, only half of the garden allotment is let to the poor inhabitants, no more being applied for, and the recreation ground is not used.

Public meetings were held by the Assistant Commissioner in the morning and in the evening. The morning meeting was attended by 18 persons, 14 representing interests in the

Appendix, No. 8. the Commons. The rector of the parish and the assistant overseer of Callington were among those present. At the evening meeting there were 16 persons, eight of whom represented interests. Others, chiefly inhabitants of Callington, not pecuniarily interested, went in and out during the meeting, at which the question of the expediency of the inclosure, when viewed in relation to the benefit of the neighbourhood, was fully discussed. The opinion was unanimous in favour of inclosure.

All the persons not pecuniarily interested with whom the Assistant Commissioner conversed on the subject expressed themselves as favourable, it being felt that the cultivation of the Commons will afford employment to many labourers, in Callington and other parishes adjoining South Hill, who, through various causes, are now unemployed.

The number of persons interested in the Commons is about 40. One of these at the meeting expressed dissent. He feared that, in case of inclosure, the owners would have to bear the expense of making and metalling roads for the general benefit of the parish. This will most likely be the case, and the great majority of the owners are prepared to incur the liability. No expression of dissent on the part of any other person interested has reached us.

The two systems, that of cultivation in unfenced strips, and that of pasturage under restrictions and rules, having both been tried, and having proved unsatisfactory, it is desired to cultivate the land in fenced fields, and so to bring out its full value. The decline of the mining industry in Cornwall has thrown many people out of work, and is no doubt causing considerable distress. The need of the means of giving profitable employment to the people has been represented to us as very great, and at a county meeting recently held the reclamation of waste lands was one of the points to which attention was directed. The extent of uninclosed land in the county is very considerable, and the extent in the locality of these Commons is far in excess of any recreation requirements.

Inclosures in the neighbouring parishes of Callington and Calstock have been very successful. Those inclosures have proved beneficial, not only to the private owners, but also to the neighbourhood. They have provided employment for many who were out of work, have increased the rateable value of the parishes, and have added a considerable area to the productive land of the country. The inclosure now sought for would be a benefit of a like kind.

The rental value of Golberdon Common is less than 5 s. an acre. Redmoor Common is of little more than nominal value in its present state. The average rental value of similar land in the parish under cultivation is about 15 s. an acre, and all parties agree that in a short time these Commons, if inclosed, will become equally valuable.

Under these circumstances we recommend the confirmation of the Provisional Order by Parliament.

We have, &c.
(signed) *G. Ridley,*
G. A. Leach, } Inclosure Commissioners.

PROVISIONAL ORDER for the Inclosure of a Common.

WHEREAS persons interested in certain lands called or known as Redmoor and Golberdon Commons, situate in the parish of South Hill, in the county of Cornwall, such lands being Commons within the meaning of "The Inclosure Acts, 1845 to 1878," have made application to the Inclosure Commissioners for England and Wales to issue a Provisional Order for the inclosure of such Commons, and to certify that it is expedient that such Provisional Order should be confirmed by Parliament:

And whereas it has been made to appear to the said Commissioners that the persons making the said application represent at least one-third in value of such interests in the said Commons as are proposed to be affected by the Provisional Order:

And whereas the said Commissioners, having taken the said application into consideration, were satisfied that a *prima facie* case had been made out, and that, regard being had to the benefit of the neighbourhood as well as to private interests, it was expedient to proceed further in the matter, and accordingly ordered a local inquiry to be held by an Assistant Inclosure Commissioner:

And whereas the said Assistant Commissioner, having caused public notice to be given as required by the said Acts, held pursuant to the said notice, public meetings on the 6th and 7th days of January 1879, at the respective hours of 11 in the forenoon, and 7 in the evening, at Golding's Hotel, Callington, in the said county, to hear all persons desirous of being heard on the subject matter of the said application, and any information or evidence which might be offered in relation thereto, and inquired into the correctness of the statements in the said application, and otherwise into the expediency of making the Provisional Order applied for, and into the nature of the provisions to be inserted in such Provisional Order:

And whereas the said Assistant Commissioner inspected the said Commons as required by the said Acts:

And whereas the said Assistant Commissioner duly reported in writing to the said Commissioners

Commissioners the result of the local inquiry and of the public meetings held by him, together with the information obtained by him as to the several particulars in the said application, and all other information required by the said Acts, and annexed to his Report a map of the said Commons, a copy of which map is hereto annexed:

And whereas the mines, minerals, stone, and other substrata under the said Commons are excepted from the operation of the proposed inclosure:

Now, therefore, in pursuance of the powers given to us by the said Acts, we, the Inclosure Commissioners for England and Wales, being satisfied that, having regard to the benefit of the neighbourhood as well as to private interests, the inclosure of the said Commons is desirable, have framed for the consideration of the persons interested this our draft Provisional Order, specifying the terms and conditions on which, provided the necessary consents are given thereto, we are prepared to certify that it is expedient the Provisional Order should be confirmed by Parliament; that is to say,—

That there be allotted for recreation grounds five acres on Redmoor Common, and five acres on Golberdon Common, at or near the spots marked respectively A. and B. on the map hereto annexed.

That there be allotted for field gardens four acres on Redmoor Common, and six acres on Golberdon Common, at or near the spots marked respectively C. and D. on the said map.

That, if found necessary, carriage roads, bridle roads, and footpaths be set out, to the satisfaction of the Inclosure Commissioners, as may be most convenient for public use.

And that there be reserved to the owner or owners of the mines, minerals, stone, and other substrata under the said Commons a right to enter the said Commons when inclosed, for the purpose of opening, working, or winning such mines, minerals, stone, and other substrata, compensation to be made by the persons exercising such right for any damage to the surface which may thereby be done.

In witness whereof we have hereunto set our Official Seal this Twenty-seventh day of February One thousand Eight hundred and Seventy-nine.

L. S.

T H I R D

R E P O R T

FROM THE

SELECT COMMITTEE

ON

C O M M O N S ;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, to be Printed,
10 June 1879.

Ordered,—[*Friday, 14th February 1879*]:—THAT a Select Committee be appointed Six Members to be nominated by the House, and Five by the Committee of Selection, to consider every Report made by the Inclosure Commissioners certifying the expediency of any Provisional Order for the inclosure or regulation of a Common, and presented to the House during the present Session, before a Bill be brought in for the confirmation of such Order.

THAT it be an Instruction to the Committee, that they have power with respect to each such Provisional Order, to inquire and report to the House whether the same should be confirmed by Parliament, and, if so, whether with or without modification; and, in the event of their being of an opinion that the same should not be confirmed, except subject to modifications, to report such modifications accordingly with a view to such Provisional Order being remitted to the Inclosure Commissioners.

Committee nominated—[*Wednesday, 12th March 1879*]:—of—

Mr. Spencer Walpole.	}	Nominated by the House, 12th March.
Mr. Leveson Gower.		
Sir Walter Barttelot.		
Mr. Fawcett (discharged 3rd April).		
Mr. Pell.		
Lord Edmond Fitzmaurice.	}	Added by the Committee of Selection, 14th March.
Mr. Shaw Lefevre (added 3rd April).		
Mr. H. Cowper.		
Mr. C. B. Denison.		
Sir William Vernon Harcourt.		
Lord Henry Scott.		
Mr. Arthur Walsh.		

Ordered,—[*Wednesday, 12th March 1879*]:—THAT the Committee have power to send for Persons, Papers, and Records.

THAT Five be the Quorum of the Committee.

Ordered,—[*Thursday, 3rd April 1879*]:—THAT Mr. Fawcett be discharged from further attendance on the Committee.

THAT Mr. Shaw Lefevre be added to the Committee.

Ordered,—[*Monday, 7th April 1879*]:—THAT the Petition of Rosanna Fray, against the Inclosure of certain Lands, be referred to the Committee.

Ordered,—[*Tuesday, 22nd April 1879*]:—THAT the Petition from Kirton in Lindsey and other places, in favour of the Inclosure of Scotton and Ferry Common, be referred to the Committee.

Ordered,—[*Friday, 25th April 1879*]:—THAT the Petitions presented to the House from Maltby, Sheffield, and Rotherham, in reference to the proposed Inclosure of Commons at Maltby, in the County of York, be referred to the Committee.

THIRD REPORT	- - - - -	p. iii
PROCEEDINGS OF THE COMMITTEE	- - - - -	p. iv
MINUTES OF EVIDENCE	- - - - -	p. 1
APPENDIX	- - - - -	p. 9

T H I R D R E P O R T.

THE SELECT COMMITTEE who were appointed to consider every REPORT made by the INCLOSURE COMMISSIONERS certifying the expediency of any PROVISIONAL ORDER for the INCLOSURE or REGULATION of a COMMON, and Presented to the House during the present Session, before a BILL be brought in for the confirmation of such ORDER :—And who were instructed, That they have Power, with respect to each such Provisional Order, to Inquire and Report to the House whether the same should be confirmed by Parliament, and, if so, whether with or without Modification ; and in the event of their being of opinion that the same should not be Confirmed, except subject to Modifications, to Report such Modifications accordingly, with a view to such Provisional Order being remitted to the Inclosure Commissioners ;——HAVE considered the REPORT of the INCLOSURE COMMISSIONERS certifying the expediency of a PROVISIONAL ORDER for the Inclosure of

WHITTINGTON COMMON,

and are of opinion that the same ought to be confirmed by PARLIAMENT without modification.

10 *June* 1879.

PROCEEDINGS OF THE COMMITTEE.

Tuesday, 10th June 1879.

MEMBERS PRESENT:

Mr. SPENCER WALPOLE in the Chair.

Lord Edmond Fitzmaurice.
Mr. Shaw Lefevre.

Sir Walter Barttelot.
Mr. Pell.

WHITTINGTON COMMON.

Report of the Inclosure Commissioners certifying the expediency of a Provisional Order for the Inclosure of Whittington Common, read.

In support thereof:

Mr. *James Caird*, C.B., and Mr. *Henry Milman* were examined.

Motion made, and Question proposed, "That the Provisional Order ought to be confirmed by Parliament without modification"—(Sir *Walter Barttelot*):—

Amendment proposed, to leave out from the word "Order" to the end of the Question, in order to add the words "ought not to be confirmed, except subject to the following modification: That the 15 acres of the common consisting of road-side waste and the adjoining roads should be included in the Order, for the purpose of securing that they should remain open for the future:"—(Mr. *Shaw Lefevre*)—instead thereof:—

Question put, That the words proposed to be left out stand part of the Question:—
The Committee divided:

Ayes, 3.
Sir Walter Barttelot.
Mr. Pell.
Lord Edmond Fitzmaurice.

Noe, 1.
Mr. Shaw Lefevre.

Main Question put:—*Resolved*, That the Provisional Order ought to be confirmed by Parliament without modification.

Ordered, To Report, together with the Minutes of Evidence, and an Appendix.

MINUTES OF EVIDENCE.

LIST OF WITNESSES.

Tuesday, 10th June 1879.

	PAGE
Mr. James Caird, c.B. - - - - -	1
Mr. Henry Salusbury Milman - - - - -	4

MINUTES OF EVIDENCE.

Tuesday, 10th June 1879.

MEMBERS PRESENT :

Sir Walter Barttelot.
Lord Edmond Fitzmaurice.
Mr. Shaw Lefevre.

Mr. Pell.
Mr. Spencer Walpole.

THE RIGHT HONOURABLE SPENCER WALPOLE, IN THE CHAIR.

WASTE LANDS AT WHITTINGTON, COUNTY OF STAFFORD.

Mr. James Caird, c.B., called in ; and Examined.

1839. *Chairman*] WAS any application sent in to you for inclosing certain waste lands at Whittington, in the county of Stafford ?—Yes.

Mr. Caird, c.B.
10 June 1879.

1840. Was that a recent application ?—It was.

1841. The lands to be inclosed consist, do they not, of two different parts, one called the Hurst, and the other called the Marshes ?—Yes ; they are shown upon the map before you.

1842. Have you made inquiry with regard to this case ?—Yes, we have made careful inquiry.

1843. Did you think it right to send down a Commissioner ?—We did send down an Assistant Commissioner, and he made very careful inquiry into the circumstances.

1844. The marshes to be inclosed are about 45 acres, I believe ?—Yes.

1845. And the Hurst to be inclosed is about 8½ acres, is it not ?—Yes.

1846. The marshes are in a very wretched swampy state, are they not ?—As regards the marshes, it is a question of a sanitary character rather than any other, whereas the Hurst is to be to a great extent devoted to public uses.

1847. Gravel is dug from there, is it not ?—It is ; but the place is also useful for games and other public purposes, and therefore it is desirable to place it under control, but it will be all open to the public.

1848. How near is the village of Whittington to the marshes and the Hurst ; the marshes are within two miles, and the Hurst about three miles distant, I believe ?—That is so.

1849. The population of Lichfield is 7,347 ?—That is so.

1850. Both the one and the other parts proposed to be inclosed are within five miles of the town of Tamworth ?—Yes.

1851. There the population is 11,000 ?—The population of the municipal borough is 4,589, and of the whole parish 11,487.

1852. Did the Assistant Commissioner hold the regular meetings ?—He did.

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1853. Both

Mr. Caird, c.b.

10 June 1879.

1853. Both morning and evening?—Yes.

1854. Do you know whether the meetings were well attended?—The Assistant Commissioner will tell you that, but there was no opposition. A question arose with regard to some roadside pieces, which you will observe referred to in the Report, consisting of 15 acres of frontage strips, which certain parties were desirous should be included in the inclosure.

1855. Lord *Edmond Fitzmaurice*.] Are they marked upon the map?—They are not marked upon the map; they are just little roadside strips all along the public roads. We stated that we could not deal with them in any other way than by keeping them open, therefore they were dropped entirely, the parties not being quite agreed upon it, but being very desirous that the inclosure of the marshes should not be postponed.

1856. *Chairman*.] The roadside pieces were not dealt with?—No, they were dropped; if they had been dealt with at all we should have insisted upon their remaining open.

1857. Was notice served upon the local authorities?—It was.

1858. Was it served upon the local authorities of Lichfield and Tamworth?—Yes.

1859. Do the sanitary authorities appear?—I could not say.

1860. There was no objection raised to the inclosure, as far as you know?—No; there was no objection raised to it, as far as I know.

1861. Sir *Walter Barttelot*.] With regard to these roadside strips, you say you have given no order for their being inclosed; on the contrary, you intended that they should be left open; you know, I presume, what the law is; cannot those roadside strips be inclosed by the owners of the property upon each side?—That is a legal question which I could not answer.

1862. I see you have allotted 10 acres for gardens out of the 45 acres of the marshes?—We do not contemplate that being used for garden ground, but it could be used for exchange for other lands suitable for gardens if it were desirable.

1863. The marsh is a long straggling piece of ground, is it not?—Yes; you will see the pieces very distinctly laid down upon this map; those are the pieces of marsh ground; this is Whittington Heath, which is now the property of the Government, and upon which the public are to have access, and this is the Hurst (*pointing out the various spots upon the map*). You will see how we have endeavoured to follow out the representations of the Committee in their last Report, by marking the different towns and important places on the map.

1864. It would be a great advantage in a sanitary point of view that the land should be inclosed?—Yes, it would be a great advantage in a sanitary point of view.

1865. Then looking at the population in the neighbourhood of Whittington Heath, is that heath amply sufficient for all the recreation ground which is required for the district?—So it is believed.

1866. Looking at the Hurst, it would be, in your opinion, an advantage to inclose the Hurst, because, as I understand, the gravel is very wastefully dug now, whereas then it would be put into a better state of regulation than it is now?—It would be very much so.

1867. I see, by your report, that nearly all the cottages have gardens?—I believe they have.

1868. Mr. *Shaw Lefevre*.] Do the strips form part of the Common?—At present they do.

1869. Still you leave them out?—We left them out because an objection was made to our dealing with them in the only way in which we could deal with them, that is to say, by keeping them open. The desire of the parties was that we should include them in the inclosure.

1870. Would it not have been better to have dealt with that question, and to have secured that the strips should remain open?—In that case we should have been obliged to postpone the inclosure. As far as the sanitary question was concerned it was very desirable that it should be proceeded with, allowing the roadside strips still to remain an open question.

1871. But inasmuch as the question might possibly arise afterwards as to what the ownership of these strips is, would it not have been better to determine that now by considering them part of the common, and then under the Provisional Order providing that they should remain open?—I do not doubt that

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it might have been better, but the people were so very desirous of getting the marshes themselves immediately improved and drained that they considered it better to let that stand by for a time.

1872. But why could not that question have been dealt with at the same time as the other?—There was no other reason than that it would have delayed the proceeding for a year.

1873. Why would it have delayed it for a year?—Because there was opposition with regard to the inclosure of the strips, and there was not time to settle the question.

1874. Who opposed their being included?—The adjoining owners to the strips.

1875. *Mr. Pell.*] These inclosures of the properties marked on the plan are very old inclosures, are they not?—I should imagine so. I do not know anything about them.

1876. Are you not aware that in the inclosures which were made by common consent in the reign of Elizabeth, the roads were almost invariably set out 60 feet wide, and those strips would be claimed by the owners of the adjoining property?—I daresay the honourable Member will recollect that the Scotch cattle used to get fat on the grass by the roadsides, coming up to Norwich market.

1877. I daresay you would admit that some of those strips have been inclosed and taken in under that common law right?—Undoubtedly some of them have been.

1878. Now with reference to the Hurst; the Hurst is to be retained partly for a supply of gravel for the repair of the road?—It is.

1879. Has the lord of the manor taken any payment for the gravel dug upon the Hurst?—I am not able to answer the question, but I understand not.

1880. I suppose you are aware that you specially exclude the lord's rights to minerals upon the Hurst?—Yes.

1881. That has been done designedly, and not by omission?—It has been done designedly.

1882. *Lord Edmond Fitzmaurice.*] I suppose there is a well-marked distinction between strips down at the edge of a road which are part of the waste of a manor, or of a reputed manor, and strips by a road which are at a great distance from any common, and presumably are not part of the waste of a manor?—I should imagine that the strips by the road, though they may be at a distance from a common, might be part of the waste of a manor.

1883. What I want to get at is this; you cannot lay down any general rule as regards these roadside strips; it depends upon the circumstances of the locality, and very often upon private Acts of Parliament, does it not?—I can lay down no rule in the matter.

1884. *Chairman.*] Have you read the Report which the Committee have made to the House of Commons?—I have.

1885. The sixth paragraph of that Report suggests "that a skeleton map of the commons proposed to be regulated or inclosed should be always appended to the Provisional Order, pointing out the situation of such commons, the portion intended to be allotted for cottage gardens or for recreation grounds; and the cities, towns, villages, or populous places near to which the commons are situated." Do you think that, practically, you could carry into effect that part of the Report?—I must explain that the two objects which the Committee require are in some degree incompatible, that is to say, as regards being presented upon one map, because the situation of the common with the portions allotted for gardens and recreation grounds must be upon one scale, and if you go beyond that to villages and towns in the neighbourhood that must be upon a totally different scale; what I understand to be the desire of the Committee, we can very easily, I think, supply; it would be an expensive thing to make a skeleton map, to be appended to and circulated with every Report printed and circulated by Parliament, but we could make a skeleton map upon a large scale, which could be hung up in the Committee-room within the sight of every member of the Committee, at no great cost.

Mr. Caird, C.B.

10 June 1879.

Mr. Henry Salusbury Milman, called in; and Examined.

Mr. Milman.
10 June 1879.

1886. *Chairman.*] WERE you the Assistant Commissioner who went down to Whittington?—I was.

1887. Did you hold the usual meetings required by the Act of Parliament?—I did.

1888. Did you hold meetings both morning and evening?—I did.

1889. Were they pretty well attended?—They were.

1890. Was there any opposition?—No, there was no opposition; there was a question raised with regard to certain roadside strips, and afterwards I took measures to ascertain exactly what the case for those strips was.

1891. Will you explain what the case with regard to those roadside strips was?—The roadsides had not been included in the application; but at the meeting it was suggested by many persons who were acquainted with the locality that the roadside strips should be included in the application, I therefore took measures to have a plan made. I applied to the agent of the lord of the manor to supply me with the map which had been made of the roadside strips about 10 years before, and upon the basis of that I had a map of the roadside strips made adapted to the present time. I have made inquiry, and I stated to the Commissioners the case for inclosing those roadside strips, and they dealt with that case. I stated what appeared to me to be the reasons and grounds for placing those roadside strips under control, or allotting them, and they decided, upon their part, that they would not recommend them for allotment or inclosure.

1892. And they are excluded from the report?—They are excluded from the report, but that may, perhaps, have been in consequence of their coming in afterwards as a supplementary thing.

1893. Do you contemplate their coming into the Provisional Order at some future time?—No, the matter is left entirely open. I stated the reasons why they should be placed under control, but those reasons did not appear to be such as would warrant the Commissioners in inserting the roadside strips in the Order.

1894. Have you your opinion with you upon that point?—I have my opinion upon that point certainly.

1895. Would you let us see it?—I have no objection to state to the Committee the opinion which I formed upon the matter, and which I stated to the Commissioners. I have here a map which was made of the roadside strips in the years 1866 and 1867. The Committee will observe that the pink are what are called the intakes, and the remainder were, at that period, still remaining uncultivated. The intakes were pieces which had formerly been waste, but by an arrangement between the lord of the manor, Lord Anglesey, and his agents, and certain persons who wished at different times to have certain pieces, those pieces were taken sometimes by adjoining landowners, and sometimes by persons independent of the adjoining landowners. The Committee will observe that what are called the roadside strips are of very various sizes and widths; they may perhaps have been relics of some old common; that is very possible, but they were let in a very improvident manner in very many places; they narrowed the road in one place and left it unnecessarily wide in another, and in some places were, perhaps, let detrimentally to the interests of the manor. I therefore considered that the letting of them detrimentally to the interests of the manor and the public generally should be prevented, and what I represented to the Commissioners was, that if a sufficient amount were left open, the remainder, if it was to be disposed of at all, should be first of all offered to those who had the frontages; and that, at all events, the public benefit, as to a wide road being kept, should be considered.

1896. Mr. *Shaw Lefevre.*] Would you just read to the Committee what you said upon that point?—This is what I reported to the Commissioners. "The case for inclosure of the frontages is this: Formerly they were of much greater extent; for many years past they have been subject to encroachments for the benefit of the encroachers and the lord of the manor, but by no means for the benefit of the commoners generally, or of the neighbourhood. Owners of adjoining land have taken in frontages often to such an extent as unduly to narrow

Mr. Milman.

10 June 1879.

narrow the road; inhabitants of the humbler class have occupied, and sometimes built upon, frontages with the same inconvenient result. In both cases the lord of the manor has, for valuable consideration, allowed or acquiesced in the encroachments, that is, he has by agreement sold some and let other parcels of encroached land. I have above stated that the village green has almost disappeared through such irregular inclosure. I now point out that the frontages are fast fading away through the same means. Further, the land so inclosed is often left, after a short time, in a state of neglect, and so continues to hinder communication between the old inclosed land and the public road without the excuse of utility. The frontages remaining are useless as recreation ground. They are mostly unsuited for field garden ground, which, also, I have proposed to supply by other means. The general wish is that this loose and unfair dealing with them should cease; that, after full provision made for width of the roads, the frontages worth dealing with should be staked out and offered at their proper value to the owners of the adjoining lands, and, if not bought by them, sold to the best bidder, and that the proceeds should fall into the fund arising from the sale of other inclosed lands in the parish. Two questions arise; first, is this open roadside land now of benefit to the inhabitants and to the neighbourhood; secondly, if it be so, can such benefit be maintained by regulation? I answer both questions in the negative. I consider that the open Hurst in the eastern, and the open Heath in the western, part of the parish are amply sufficient as recreation ground, and that the frontages confer no benefit which would repay the cost of regulation. In these circumstances the general wish to deal with this roadside land in the manner above proposed appears to deserve your consideration." That is to say, the consideration of the Commissioners.

1897. Then you make no doubt that these road-side wastes are part of the common?—Yes, from their extreme inequality I make no doubt that they have always been considered by the lords of the manor, and by the commoners, as part of the waste of the manor.

1898. And the lord has dealt with them without objection?—The lord has dealt with them without objection; if anyone has taken in a bit of them, the lord's steward has come and insisted upon having payment for it.

1899. Is the lord of the manor the owner of the adjoining land?—No; Lord Anglesey has no inclosed land in the parish, to the best of my belief.

1900. In your opinion this opportunity ought to have been taken for dealing with these roadside strips?—Yes. It occurred to me that it was desirable in the public interest where it was a mere strip; but the Committee will observe that in many places it is more than a strip.

1901. I think you say the village green has been absorbed?—The village green has vanished; there is a piece of ground, about half the size of this room, to show where it was, but that absorption took place many years ago.

1902. Where is the village green you refer to?—That is at Whittington. A great many cottages have been built on the village green from time to time. The site of it was pointed out to me, but I could hardly identify it; it was merely a small triangular piece of ground which was left.

1903. *Chairman.*] Where is Whittington Green?—It is some distance from the spot proposed to be inclosed.

1904. *Mr. Shaw Lefevre.*] Then there was a village green there, which has been gradually absorbed by recent inclosure?—Yes.

1905. Has that been owing to buildings being put up?—It has.

1906. *Chairman.*] How long ago was the village green absorbed?—I am not acquainted with the neighbourhood sufficiently to be able to say.

1907. *Mr. Shaw Lefevre.*] Is this a populous district?—The village of Whittington contains 800 or 900 people; Whittington itself is quite a large agricultural village.

1908. What is the average width of these roadside wastes; I see by the plan that it varies from time to time?—It varies very much; but the roads are thoroughly good, and of the proper width for public roads; and there are in some cases six or seven yards, and in some cases a good square piece at the side.

1909. There seems to be a kind of average width of strip?—Yes, of at least 16 feet; in a case like this (*pointing to the map*) probably the owner of the land

Mr. Milman.

10 June 1879.

has taken it in and put a little hedge round it; and then the steward of the lord has asked for an acknowledgement, and has taken a payment.

1910. But still there is a quantity of land yet remaining open?—Yes, this is what it was in 1866-67; and this is what it is at present (*explaining the maps to the Committee*).

1911. The width of the road is about 30 feet, is it not?—The actual width of the metalled road would be that.

1912. Do you think it would be a mistake to confine the road to the 30 feet?—I would rather see a little grass upon either side.

1913. You think that is an advantage to the public?—I think it is an advantage to the public.

1914. You think some advantage ought to have been taken of this opportunity to settle the question?—I think advantage might have been taken, and so I recommended.

1915. It is not probable that there will be any further opportunity, because it is not likely that there will be any application for an inclosure of this waste; therefore that will take place in the future which has taken place in the past, namely, gradual encroachments?—I should think so. Honourable Members will see that control is recommended over the Hurst, which lies a good deal among this waste. Along these roads (*pointing to the map*) is a great deal which I would not say is part of the Hurst, but is part, no doubt, of the ancient common.

1916. Is it proposed to assign the Hurst to the churchwardens?—To the road surveyors.

1917. Lord Edmond Fitzmaurice.] Are there highway boards in that part of the world?—No, there is no highway board, but there is a surveyor of the parish.

1918. Mr. Shaw Lefevre.] Then, of the 45 acres 10 will be appropriated for garden allotments in exchange for other land, and 8 acres will be given for the purpose of recreation, and the remainder will be inclosed?—Yes.

1919. I think there are 86 people who own on the estate?—Yes.

1920. Will the remainder be divided between the 86?—It is divisible among them, no doubt, but practically to divide about 30 acres of poor land among 86 people will not be a profitable way of dealing with it.

1921. Mr. Pell.] Do you admit, or do you hold the opinion, that there has been an inclosure of this parish. This map, I suppose, represents the condition of the parish at the present time, in which I see certain grounds belonging to different private owners; do you or do you not admit that there has been an inclosure in the parish of Whittington?—There has been at some period.

1922. You do admit that there has been an inclosure?—I do not quite understand the point of the question.

1923. I will ask you this; do the lands in the parish of Whittington lie at the present moment in a state of rundall, open and intermixed?—No.

1924. They are divided by fences?—Yes.

1925. Does not that imply that there has been an inclosure?—No doubt there has been an inclosure.

1926. That inclosure, I suppose you are aware, must have been made under the law, under some deed among the owners themselves?—I do not know the history of it, but I have no doubt the land has been inclosed from the common at some distant period.

1927. Either by a deed, or by an arrangement between the owners themselves, or by a decree in Chancery. Those were the usual modes in which these inclosures were made?—Yes, so I understand.

1928. Now, before you gave that opinion, did you take the proper steps to search in London for a decree in Chancery, in which you would find the conditions under which this 60 feet road was set out?—No, I never examined that. I do not know the conditions under which the road was set out; I merely took the facts as they were before me.

1929. Have you not, as Assistant Commissioner, constantly seen most beautiful little maps of Queen Elizabeth's time, in which the owners of lands of that date agreed to the inclosure of common land?—I have not seen the maps.

1930. Mr. Shaw Lefevre.] Of course, if there has been an Inclosure Act, and these

these roads have been set out at 60 feet, then, of course, no inclosure of them by the lord of the manor could be justified?—I should doubt whether it is so.

1931. I should judge that what has taken place here has been that there has been no Inclosure Act, but that there have been inclosures in olden times under statute?—That is what I should judge. I should say it was some early arrangement before the Inclosure Acts were passed.

1932. Lord *Edmond Fitzmaurice*.] You are using the word “inclosure” as meaning an inclosure under the Inclosure Act?—That is what I was thinking of when I was asked whether there was an inclosure, namely, an inclosure under an Inclosure Act.

1933. Mr. *Pell*.] But surely, as a matter of history, you know that the great agrarian rebellions from the time of Henry VII. to Queen Elizabeth was the result of these inclosures?—I quite understand that. As far as the question goes, whether if a deed of inclosure were discovered it would show a road set out of 60 feet, I have no doubt it would.

1934. Lord *Edmond Fitzmaurice*.] I wish to ask you a question about the village green which you mentioned; can you inform the Committee at what date the encroachment upon the village green to which you allude took place?—I cannot; but the information I had from Colonel Dyott, who has lived in the neighbourhood a long time, was that the encroachments were gradual. Colonel Dyott mentioned that the green never was more than two acres in extent, but that upon all sides small pieces were taken, either for building a cottage, or for a garden; something was paid to the lord of the manor, and nobody objected to it; the consequence is that the green has faded away. The green was in the middle of the village, and two acres in the middle of a village is a valuable space to keep. There was pointed out to me such-and-such a house, built upon land which was formerly part of the village green, and such-and-such a garden taken in there which was formerly part of the village green, money being paid to the lord for permission to take it in.

1935. Is this a green which would have come in within the clause of the last Inclosure Act for preserving village greens?—I have no doubt of it.

1936. Will that clause protect whatever shred remains of it?—I should think so, certainly; it has been rather owing to the neglect of the inhabitants that it has not been protected before; whatever encroachment has been made since that Act passed has been made illegally.

1937. When encroachment have been made in that manner, and payments have been made to the lord of the manor for the encroachments, I suppose you have no power under the Inclosure Act to take that into consideration as legitimately affecting the amount which ought to be allotted to the lord of the manor under the inclosure?—I should think that what the lord has, within a certain period, dealt with illegally, might be debited to him in the allotment in his favour.

1938. That is my own opinion, but is that the law; can you do so now?—I do not see any reason against it, and for this reason, that the matter with regard to the lord of the manor is a matter of arrangement and agreement, and a matter of making terms. The lord has a veto upon every inclosure, and terms may be made with him, and I conceive that that might be one of the terms.

1939. Would the lord be likely to consent to an arrangement based upon the supposition that he had been acting illegally?—I do not think as far as you can charge him with encroachment of that kind, that he would refuse any consent; I am not able to say for certain, but I should imagine not.

1940. Was it taken into consideration in this particular case?—I rather think that in one part of my report I stated that he should be charged with what he appeared to have done in the way of accepting encroachments, under the condition of being paid for them.

1941. Mr. *Pell*.] The lord gave a colourable title?—Yes.

1942. Mr. *Shaw Lefevre*.] It was probably not Lord Anglesey who did so, but his agent?—Yes, Lord Anglesey knew nothing about it.

1943. Sir *Walter Barttelot*.] Was not it presumed to be the law that the lord of the manor could inclose, supposing that he left a sufficient amount of pasturage for the commoners to turn their cattle out upon?—Yes, that was so.

1944. Would not the commoners have to prove that there was not sufficient ground left for the turning out of their cattle?—The question upon whom the

Mr. Milman.

10 June 1879.

burden of proof lies is, I need hardly say, a strictly legal question upon which I have a strong opinion, and upon which others may have a different one; but these inclosures and these encroachments, I may say, have taken place simply because no one thought it worth while to resist; then, there was a great heath close by, and there was the open Hurst at the other end of the parish, which were considered quite sufficient for all who wanted recreation. No one took the trouble or had any personal interest in disputing the matter, and therefore it was not disputed.

1945. Do you think that those inclosures were done at the court?—I do not think they were.

1946. Because to make an inclosure of that kind legal it must be done at a court, and with proper notice given; is not that so?—Yes; anything strictly legal would be done with the consent of the homage; I only speak from what my conjecture is, but I imagine these were private arrangements between the steward of the lord and the person who took the little pieces of land; any man felt that if he paid a small amercement to the lord of the manor, or bought these bits, he was safe for the future.

1947. Lord *Edmond Fitzmaurice*.] The Statute of Merton would not override the express enactment of the last Commons Act as regards those things?—No, of course the last Act of Parliament overrides all previous ones.

1948. *Chairman*.] Was the lord represented before you upon your inquiry?—Yes, Mr. Darling, who was the agent for Lord Anglesey, attended the meeting; I should say that this proposed inclosure lies within the Manor of Longdon, which represents a great many parishes, and Mr. Darling appeared, as I say, and supplied me with the older of these two maps.

1949. Did any question arise with regard to these strips of land?—No, except that his plan clearly explained how the lord had dealt, from time to time, with the open lands upon the sides of the roads. Upon the map before you you will find what are called the intakes, and the land which is still open, and it appeared that about as much had been taken in by these means of legalised or acquiesced in encroachment as still were left.

1950. Was there any proposition to make this a part of the inclosure and so a part of the Provisional Order, and if so, was any objection taken to it?—No objection was taken, but when I was first holding the meetings it was suggested by many persons that it would be a good thing to include the roadside strips. I said, "I will submit the case to the Commissioners, but you must first tell me what the roadside strips are." I then applied to the lord for a plan, and Mr. Darling gave me a plan 10 years old. Then I was told that there had been many parts taken in since then. I then said, "You must make a more recent plan to show what parts have been taken in since, in order to be of any use, and then I will submit it to the Commissioners."

A P P E N D I X.

WHITTINGTON COMMON.

Appendix.

SPECIAL REPORT by the COMMISSIONERS relative to certain WASTE LANDS at WHITTINGTON, in the County of *Stafford*.

To the Right Honourable the Secretary of State for the Home Department.

Inclosure Commission, 3, St. James's Square, S.W.,
20 May 1870.

Sir,

WE have the honour to forward to you our Report upon an application, under the Commons Act, 1876, for the inclosure of certain lands known as The Marshes and The Hurst, situate in the parish of Whittington, in the county of Stafford.

The necessary consents having been given to the Provisional Order, a copy of which is hereto annexed, we certify that it is expedient the same should be confirmed by Parliament, for the reasons hereinafter detailed, it having been proved to our satisfaction that the inclosure will be of benefit to the neighbourhood as well as to private interests.

The Marshes, containing 45 acres, are irregular but contiguous low tracts, lying along small streams, the principal of which is one of the parish boundaries. Nearly parallel with this stream, but on a much higher level, the Wyrley and Essington Canal runs on an embankment through the marshes. The soil is peaty and boggy, subject in parts to the oozing of the canal bank; it is overgrown with rank grass, weeds, rushes, and scrubby bushes, and is of little value in its present condition. If cleared and drained it would become useful land, but so long as it remains open Common no one will expend either labour or money upon its improvement. It is not required for recreation purposes, as the Heath, hereinafter referred to more particularly, is in every way better adapted as a place of public resort. Attention has lately been drawn to the swampy state of the Marshes by the Medical Officer of Health, who reported to the Rural Sanitary Authority that they ought for sanitary objects to be drained, levelled, and cultivated.

The Hurst, eight and a quarter acres in extent, in another part of the parish, is an open triangular tract, bounded on all sides by roads. It is partly overgrown with gorse and bushes, and contains some small ponds. It has been used chiefly as a gravel pit, and is to be set out as a place for the supply of material for the parish roads, subject to the right of the public to use it for games and other kinds of recreation. At present the gravel is dug irregularly and wastefully. It is therefore desirable that this should be put under proper control.

The village of Whittington is about a mile from the nearest point of the Marshes, and a mile and a half from the Hurst. The Marshes are within two miles, and the Hurst is about three miles from Lichfield, population 7,347. The lands are also from four to five miles distant from Tamworth, the population of the municipal borough being 4,589, and of the whole parish 11,487.

Whittington contains 869 inhabitants, whose occupation is agricultural. There are 120 cottages, of which all but five have gardens; seven average about a rood, the others being smaller. Two clubs in the village, together owning nearly 11 acres, let the land to their members for cultivation as gardens, and the lord of the manor lets land for the same purpose to those who do not belong to the clubs or cannot obtain it from them. As the Marshes are neither suitable in quality nor conveniently situated, it has been arranged that an allotment of 10 acres, out of the total extent of 45 acres, shall be made with the view to exchanging it for other land suitable for gardens.

Two new cross roads, which will be of public convenience, are to be made at the expense of the inclosure.

Besides the tracts which form the subject-matter of the present proceedings, there is in the parish a far larger extent of uninclosed land, not proposed to be dealt with, Whittington Heath, 330 acres, which is now the property of the War Department, having been purchased

Appendix.

chased from the lord and the commoners in 1877. About 50 acres of it are, or shortly will be, occupied by that Department by buildings and premises. The rest has been leased to the largest landowner in Whittington, one of the covenants being that he shall permit all persons having a pass from the commanding officer to have unlimited use of and access to the land for purposes of recreation, games, or amusements of any kind. The land is also let subject to its use by the public for race meetings as heretofore. The race-course is on that part of the heath which lies nearest to the village and to Lichfield. There are also about 15 acres of frontage strips by the sides of the roads, and a small green in the village.

Both the Marshes and the Hurst are waste of a manor. Rights of common may be exercised by freeholders and copyholders of the parish at all times of the year. As compensation for his interest in the soil, the lord of the manor is to have one-sixteenth in value of the residue of the marshes after setting out the 10 acres for garden purposes. Minerals and substrata are to be reserved, though none of value are known or supposed to exist.

Two public meetings were held by the Assistant Commissioner, after due notice. About 56 persons attended the morning meeting, and 24 that in the evening. Most of these were interested, or represented those who were so. Other persons went in and out during the proceedings. Notices of the intended application, and of the public meetings, were served on the urban sanitary authorities of Lichfield and Tamworth, but no appearance was made on their behalf, nor has any objection been raised by them. The number of persons interested is about 94. The only objections to the inclosure were made by some of these persons, who wished to have the green roadside strips already referred to brought in and dealt with by allotment or sale, but which we refused to sanction. No person not pecuniarily interested has expressed an opinion otherwise than favourable.

As regards the question between regulation and inclosure, the marshes, which alone are proposed for allotment, are wholly unsuited for improvement under regulation. They would not repay any treatment short of such expensive drainage and reclamation as only a severalty owner would undertake. The improvement of the tract is urgent on sanitary grounds, and we have no hesitation in recommending the Provisional Order for confirmation by Parliament.

We have, &c.
(signed) *James Caird,* } Inclosure Commissioners.
 G. A. Leach, }

PROVISIONAL ORDER for the Inclosure of a Common.

WHEREAS persons interested in certain lands called or known as Whittington Marshes and Whittington Hurst, situate in the parish of Whittington, in the county of Stafford, such lands being a Common within the meaning of "The Inclosure Acts, 1845 to 1878," have made application to the Inclosure Commissioners for England and Wales to issue a Provisional Order for the inclosure of such Common, and to certify that it is expedient that such Provisional Order should be confirmed by Parliament:

And whereas it has been made to appear to the said Commissioners that the persons making the said application represent at least one-third in value of such interests in the said Common as are proposed to be affected by the Provisional Order:

And whereas the said Commissioners, having taken the said application into consideration, were satisfied that a *prima facie* case had been made out, and that, regard being had to the benefit of the neighbourhood as well as to private interests, it was expedient to proceed further in the matter, and accordingly ordered a local inquiry to be held by an Assistant Inclosure Commissioner:

And whereas the said Assistant Commissioner, having inspected the said Common, and having caused public notice to be given as required by the said Acts, held, pursuant to the said notice, public meetings on the 20th day of November 1877, at 11 o'clock in the forenoon, and on the following day at 7 o'clock in the evening, at the Dog Inn, in the said parish, to hear all persons desirous of being heard on the subject-matter of the said application, and any information or evidence which might be offered in relation thereto, and inquired into the correctness of the statements in the said application, and otherwise into the expediency of making the Provisional Order applied for, and into the nature of the provisions to be inserted in such Provisional Order:

And whereas the said Assistant Commissioner duly reported in writing to the said Commissioners the result of the local inquiry and of the public meetings held by him, together with the information obtained by him as to the several particulars in the said application, and all other information required by the said Acts, and annexed to his Report a map of the said Common, a copy of which map is hereto annexed:

And whereas the most Honourable Henry William George Marquis of Anglesey, as Lord of the Manor of Longdon, is entitled to the soil of the said Common:

Now, therefore, in pursuance of the powers given to us by the said Acts, we, the Inclosure Commissioners for England and Wales, being satisfied that, having regard to the benefit of the neighbourhood as well as to private interests, the inclosure of the said Common

Common is desirable, have framed for the consideration of the persons interested this our draft Provisional Order, specifying the terms and conditions on which, provided the necessary consents are given thereto, we are prepared to certify that it is expedient the Provisional Order should be confirmed by Parliament; that is to say,

That Whittington Hurst, containing eight acres one rood and four perches, be set out as an allotment for the supply of gravel for the repair of roads and ways within the said parish, subject to the right of the public to use such allotment for games and other kinds of recreation.

That 10 acres of average quality on Whittington Marshes be allotted for field gardens, with the view of exchanging the same for land conveniently situated and suitable for the purpose.

That public carriage roads be set out across Whittington Marshes from the point marked A. to the point marked B. on the map hereto annexed, and from the point marked C. to the point marked D. on the said map, or as near thereto as may be.

That one-sixteenth part in value of the residue of Whittington Marshes be allotted under the provisions of the said Acts, to the said Henry William George Marquis of Anglesey, as lord of the said manor, in lieu of his right and interest in the soil of the said Common, exclusively of his right and interest in all mines, minerals, stone, and other sub-strata under the said marshes, and also exclusively of any right of pasturage or other right of common or interest in the nature of a right of common which may have been usually enjoyed by such lord or his tenants upon the said marshes, which said right of pasturage or other right, if any, is to be compensated by allotments or otherwise independently of the allotment hereby stipulated in respect of his right and interest in the soil.

And in respect of the mines, minerals, stone, and other sub-strata under the said marshes, which are hereby excepted from the inclosure, and reserved to the lord of the manor, it is hereby specified as follows; that is to say,—

That a right to enter the said marshes when inclosed, for the purpose of opening, working, or winning such mines, minerals, stone, and other sub-strata, be reserved to such lord of the manor, compensation to be made by the persons exercising such right for any damage to the surface which may thereby be done.

In witness whereof we have hereunto set our Official Seal this Eighth day of May One thousand Eight hundred and Seventy-nine.

L. S.

THIRD
REPORT

FROM THE

SELECT COMMITTEE

ON

COMMONS;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,
MINUTES OF EVIDENCE,
AND APPENDIX.

*Ordered, by The House of Commons, to be Printed,
10 June 1879.*

219.

Under 2 oz.

I N D E X.

[*N.B.*—In this Index the *Figures* following the Names of the Witnesses, and those in the Analysis of Evidence of each Witness, refer to the Questions in the Evidence; the *Figures* following *App. (Second Rep.)*, and *App. (Third Rep.)* refer to the Pages of the Appendices to the Second and Third Reports; and the Numerals following *First Rep.*, &c., to the Pages of the several Reports.]

A.

ARKENGARTHDALE MOOR (YORK). Application made to the Inclosure Commissioners for a scheme for Arkengarthdale Moor, which it is proposed to regulate, the area being about 10,000 acres, *Caird* 743, 744.

Atkinson, Alfred. (Analysis of his Evidence.)—Explanation, as a Civil Engineer, that by certain arrangements for the discharge of the water the land at Scotton Common may be warped without injury to Mrs. Meynell-Ingram's land, 676-688. 698-700—Extensive powers of the Court of Sewers as regards warping and drainage of the low lands in Lincolnshire; frequency of difficulties between the owners of high lands and the owners of low lands, 689-697.

B.

Brittain, William Henry. (Analysis of his Evidence.)—Concurrence of witness, who is Master Cutler of Sheffield, in the evidence of Mr. Ward as to the injury to the town if Maltby Common be inclosed, 1349-1352—Petition of the town council against the inclosure scheme, in the knowledge that Woodlee Common was intended to be left open, 1353, 1354—Considerable extent to which not only Woodlee but Far Common and Low Common are used for recreation by people from Sheffield, 1355, 1356. 1363-1368. 1382-1391.

Expected opposition on the part of Sheffield and Rotherham if, the Provisional Order not being confirmed, the common right owners were to combine for carrying out inclosure by private agreement, 1357-1362. 1377, 1378—Value of preserving Maltby Common as supplying in its present state beautiful specimens in botany, 1368-1370. 1379-1381.

Very little uninclosed land near Sheffield, the feeling in the town adverse to the inclosure of Maltby Common being very strong; large population interested in the matter, 1371, 1372. 1388-1404—Readiness of Sheffield to contribute to the cost of regulating the common, 1373-1376.

C.

Caird, James, C.B. (Analysis of his Evidence.)—Application made to the Inclosure Commissioners in the course of last year for the inclosure of Scotton Common, an Assistant Commissioner having been subsequently sent down, and all advertisements and legal notices duly issued, 1-8—Inspection of the common by witness, who considers it admirably adapted for inclosure, and capable of great agricultural development by means of warping, 9, 10—Large employment expected from inclosure and cultivation, 9—Ample provision made for the recreation of the inhabitants and for field gardens, 10—Objection raised, on the score of title, by the lord of the manor of Scotter, this question being reserved for the law courts, 11-14.

[Second Examination.]—Application received by the Commissioners in 1877 for the part inclosure and part regulation of East Stainmore Common, 733, 734—Inspection of
219. C of

Caird, James, C.B. (Analysis of his Evidence)—continued.

of the common by an Assistant Commissioner, when it was considered a case entirely for regulation, 735—Very general local feeling subsequently evinced in favour of inclosure of a large portion of the common, 735-737. 754. 755.

Visit of witness to the locality; conclusion arrived at, as to the advantages to be derived from regulation of a large area, 735, 736—Great pains taken generally by the Commissioners in making careful inquiry before promoting applications for inclosure, 735—Single instance of local objection to the inclosure scheme for East Stainmore, this objector having subsequently consented, 737. 755.

Proposal to regulate 6,386 acres of the common, and to inclose 4,075 acres, the latter being capable of much improvement, 738-742—Very sparse population in the neighbourhood of the common, 743—Application also made for a scheme for Arkengarthdale Moor, which it is proposed to entirely regulate, 743, 744—Explanation of the provision made for recreation ground at East Stainmore, and for allotment gardens, turbary, &c., 745-753.

[Third Examination.]—Application made to the Commissioners in the autumn of 1878 for the inclosure of Redmoor and Golberdon Commons, near Liskeard, an Assistant Commissioner having been subsequently sent down, 1680-1684—Inclosure previously carried out at Calstock, which has proved very advantageous, 1684-1686—Reference to the Commissioners' Report as supplying full particulars in the cases of Redmoor and Golberdon, 1687-1691—Failure of a former attempt at regulation, the people interested being in favour of inclosure, 1692-1696.

Large area placed under regulation in the case of East Stainmore, as inclosure would have been too expensive, 1697-1701—Belief that there has been no instance of regulation of a low land common; several instances of the Commissioners having recommended regulation, but without effect, 1702-1716. 1730-1736.

Explanation of the course adopted by the Commissioners as regards concurrent or exclusive reservation of the right of game to the lord of the manor; principle of not allowing the reservation of game where there is agriculture, 1717-1729—Exclusive reservation allowed to the lord in hill countries, as a condition of his consent to inclosure; concurrent reservation allowed in low land countries, 1717-1729.

[Fourth Examination.]—Application recently received by the Commissioners for the inclosure of certain lands near Whittington, in the county of Stafford, 1839, 1840. 1848—Particulars relative to the lands in question, the Hurst comprising about eight and a quarter acres, and the marshes about forty-five acres, both being about five miles from the town of Tamworth, 1841-1851—Sanitary object in view in inclosing the marshes, whilst it is intended to devote the Hurst chiefly to public uses; sufficient provision as to garden ground, 1846, 1847. 1862-1867. 1878-1881.

Reference to the meetings held by the Assistant Commissioner in the foregoing case as having been unattended with opposition, save as regards fifteen acres of frontage strips which certain parties were desirous should be included in the inclosure, whilst the adjoining owners objected; delay of the proceedings for a year if these strips had been included, 1852-1861. 1868-1877. 1882, 1883.

Unnecessary expense in making a skeleton map of each common proposed to be regulated or inclosed, and in circulating such map with every report printed by Parliament; suggestion that a map might be hung up in the Committee Room, 1884, 1885.

Callington Common (Cornwall). Inclosure of Callington Common in 1864, with very beneficial results, *Milman* 1764-1769. 1792-1809.

See also *Redmoor and Golberdon Commons*.

Calstock (Cornwall). Inclosure carried out at Calstock, which has proved very advantageous, *Caird* 1684-1686; *Milman* 1764-1769.

Copyholds. Copyhold tenure of the allotment awarded in the event of an inclosure where there are copyholders, *Leach* 1161-1165.

Cornwall. See *Redmoor and Golberdon Commons*.

Corringham (Lincoln). Enhanced prosperity of the village of Corringham, near Gainsborough, since the inclosure of the waste land, *Leach* 41.

Cumberland. See *Matterdale Common*.

D.

Dickson, Arthur. (Analysis of his Evidence.)—Due care taken by witness, as Assistant Inclosure Commissioner, that the proper notices were served, and that public meetings were held, in the matter of the inclosure of East Stainmore Common, 756-761.

[Second Examination.]—Application first made before the Commons Act was passed for dealing with East Stainmore Common; renewed application in April 1877; 875-878—Proposal to regulate 6,382 acres and to inclose 4,075 acres; explanation hereon that it was suggested by the Commissioners that a much larger portion should be regulated, but that on witness' inquiry this was found to be not so convenient, 879-890. 893-897.

Objection by the lord of the manor to an increased inclosure; that is, on account of his rights of game, 898-902—Instances of the right of game having been reserved on an inclosure in severalty, 903, 904—Different qualities of the land at East Stainmore; undue expense in inclosing and improving the more elevated land, whilst as regulated land it is not likely to receive much outlay or improvement, 910-926.

Difficulties and disputes apprehended if the higher land were inclosed in severalty without being fenced; preference for regulation unless the allotments be fenced off, 926-937—Single instance of objection to the East Stainmore scheme, the objection having been subsequently withdrawn, 938.

[Second Examination.]—Inspection by witness of Matterdale Common, an application having been made for the inclosure of part and the regulation of part, 1568, 1569—Proposal at first to inclose 3,214 acres and to regulate 2,245 acres; subsequent modification by the Commissioners, when it was decided without opposition to inclose only 2,794 acres, and to regulate 2,665 acres, 1570-1572. 1637-1643.

Very small population near the common, it being proposed to devote seven acres near Troutbeck, and seven acres near Matterdale End Gate to recreation purposes, 1573-1577—Proposed allotment of five acres for cottage gardens, whilst two acres are set out for turbarry, and proper quarries are also reserved, 1578-1582—Attendance at the two meetings held by witness, more than two-thirds in value having consented to the Provisional Order, 1583-1593.

Advantages expected from regulating part of the common; objections to the regulation of a larger portion, in lieu of inclosure, 1594-1626. 1644-1652—Large increase in the value of the land by inclosure, and by draining and planting, 1596-1601. 1611-1617. 1623-1626. 1644, 1645. 1649—Satisfactory arrangements as regards roads across the common when regulated and inclosed, 1599. 1604-1610. 1646-1648.

Explanation as to there being a reservation of the concurrent right of the lord of the manor of Matterdale to sport over the inclosed part of the common; several precedents for this course, 1627-1636. 1654-1679—Difficulty in obtaining the requisite money for improvements by sale of a small part of the common, so that it is proposed to raise the amount by a rate, 1653—Objection by the Commissioners, as a rule, to the reservation of game, 1661.

Durham, Makin. (Analysis of his Evidence.)—Views of witness as to the great improvement which may be effected in the value of Scotton Common by warping the land; he is a civil engineer, and is well conversant with the common, 232-259—Description of the process of warping as consisting mainly of the admission of tidal water on the ground by means of an open drain; very valuable deposit obtained, 237-251—Suggestions as to the extent to which warping should be applied to different parts of the common if inclosed, and as to the allocation of the cost between the parties interested, 238-256. 272-292.

Expediency of warping nine acres proposed to be set aside for garden ground at East Ferry; the land would then be worth about 80 l. an acre instead of 30 l.; 252-258. 274-278—Great benefit to the labouring classes and others by inclosing the common, 259-261—Facility of greatly improving the warren by claying; this would not apply to about ninety acres out of 500; 261. 269-272. 279. 293.

Belief that no benefit would result from regulating the common, or part of it, 262-268—Ordinary charge of twenty guineas an acre for warping, 273—Advantage if warping could be carried out as a general scheme before the land is divided into allotments and hedges put up, 280-292.

E.

EAST STAINMORE COMMON (WESTMORELAND):

1. *Evidence favourable to the part Inclosure and part Regulation of the Common.*
2. *Local Feeling on the subject of Inclosure and Regulation.*
3. *Meetings held by the Inclosure Commissioners, due Notices having been given.*
4. *Provision made for Recreation Ground, Garden Allotments, &c.; small Population interested.*
5. *Improvement by Drainage of part of the Common.*
6. *Sundry Details in Report by Inclosure Commissioners.*
7. *Provisional Orders.*
8. *Approval by the Committee of the Proposed Scheme, without Modification.*

1. *Evidence favourable to the part Inclosure and part Regulation of the Common:*

Application received by the Inclosure Commissioners in 1877 for the part inclosure and part regulation of East Stainmore Common, *Caird* 733, 734—Inspection of the common by an Assistant Commissioner, when it was considered a case entirely for regulation. *ib.* 735—Visit of witness to the locality; conclusion arrived at as to the advantages to be derived from regulation of a much larger area than was proposed in the application from the locality, *ib.* 735, 736—Proposal to regulate 6,386 acres of the common, and to inclose 4,075 acres, the latter being capable of much improvement, *ib.* 738–742.

Extensive local experience as a land agent and surveyor, upon which witness considers it highly desirable that East Stainmore Common should be inclosed, *Webster* 762–767—Written statement submitted by witness containing sundry details in connection with the common, and supplying reasons in support of the scheme for its part inclosure and part regulation, *ib.* 767, 768.

Advantages of the regulation and drainage of portion of the common, as distinct from the inclosure of another portion, *Simpson* 787–821; 827–830.

Practical experience upon which witness as a local landowner and farmer concludes that the part inclosure and part regulation of East Stainmore Common would be very beneficial to the locality, *Metcalf* 831 *et seq.*—Beneficial effect as regards employment, and the supply of cottage accommodation by the proposed inclosure, *ib.* 837–840. 863–869—Estimated amount of stock now turned out upon the common; reference hereon to the small size of the farms, *ib.* 843–846. 850–853. 874—Much greater improvement expected on the inclosed portion than on the regulated portion, *ib.* 847–849. 853–862. 870–873.

Application first made before the Commons Act was passed for dealing with East Stainmore Common; renewed application in April 1877, *Dickson* 875–878—Proposal to regulate 6,382 acres, and to inclose 4,075 acres; explanation hereon that it was suggested by the Commissioners that a much larger portion should be regulated, but that on witness' inquiry this was found to be not so convenient, *ib.* 879–890. 893–897.

Suggestion by the Commissioners that only 3,000 acres should be inclosed, and the rest regulated, *Dickson* 883. 889; *Moore* 892—This recommendation had reference to the elevation of the land, *Dickson* 883. 890; *Moore* 891, 892.

Statement of the circumstances under which the Inclosure Commissioners suggested that a larger portion of the common should be regulated, and a smaller portion inclosed than was proposed by the applicants for the inclosure, *Moore* 891, 892.

Different qualities of the land at East Stainmore; undue expense in inclosing and improving the more elevated land, whilst as regulated land it is not likely to receive much outlay or improvement, *Dickson* 910–926—Difficulties and disputes apprehended if the higher land were inclosed in severalty without being fenced; preference for regulation unless the allotments be fenced off, *ib.* 926–937.

Further reference to the large area placed under regulation in the case of East Stainmore, as inclosure of the whole would have been too expensive, *Caird* 1697–1701.

2. *Local Feeling on the subject of Inclosure and Regulation:*

Very general local feeling evinced in favour of inclosure of a large portion of the common, *Caird* 735–737. 754, 755—Single instance of objection to the East Stainmore scheme, this objection having been subsequently withdrawn, *Caird* 737. 755; *Simpson* 774. 780–782; *Dickson* 938.

Residence of witness for several years in the neighbourhood of East Stainmore parish; strong feeling in the locality in favour of the inclosure and regulation of the common, *Simpson* 769–774. 780–783. 821—Anxiety of the labouring population, as well as the farmers,

EAST STAINMORE COMMON (WESTMORELAND)—continued.2. *Local Feeling on the subject of Inclosure and Regulation*—continued.

farmers, for inclosure and regulation; constant disputes under the present system of turning out sheep and exercising rights of common, *Simpson* 783-802.

Objection by the lord of the manor to an increased inclosure; that is, on account of his rights of game, *Dickson* 898-902.

3. *Meetings held by the Inclosure Commissioners, due Notices having been given :*

Due care taken by witness (as Assistant Inclosure Commissioner) that the proper notices were served, and that public meetings were held in the matter of the inclosure of East Stainmore Common, *Dickson* 756-761—Two meetings were held in April 1877, and two in December 1878, one meeting on each occasion having been held in the evening, *ib.* 759-761.

4. *Provision made for Recreation Ground, Garden Allotments, &c. ; small Population interested :*

Very sparse population in the neighbourhood of the common, *Caird* 743—Explanation of the provision made for recreation ground, and for allotment gardens, turbarry, &c., *ib.* 745-753—Sufficiency of ten acres for garden ground, *Caird* 746-750; *Metcalf* 841, 842.

Very few cottagers, the labourers living chiefly with the farmers, *Caird* 746, 748; *Simpson* 775-777—Total of only 144 tenements in the parish, thirty-nine being under 10 l. a year, *Simpson* 775, 798-801—Very little arable land held by the farmers in the parish, *ib.* 778, 779—Satisfactory reservation as to roads and footpaths, and as to means of recreation, *ib.* 815-826.

5. *Improvement by Drainage of part of the Common :*

Great improvement if the high land were surface-drained, *Caird* 735; *Metcalf* 854-862—Importance of the common being drained; benefit as regards the health of sheep, *Simpson* 827-830.

6. *Sundry Details in Report by Inclosure Commissioners :*

Report of the Inclosure Commissioners, dated 3rd March 1879, upon the application for the part registration and part inclosure of East Stainmore Common, *App. (Second Rep.)* 120-122.

Sundry details in Commissioners' Report relative to the extent and character of the common, and the local feeling in favour partly of inclosure and partly of regulation, *App. (Second Rep.)* 120, 121.

Grounds for the conclusion arrived at in favour of the application, *App. (Second Rep.)* 121, 122.

7. *Provisional Orders :*

Provisional Orders for Regulation and Inclosure, respectively, *App. (Second Rep.)* 122-125.

8. *Approval by the Committee of the proposed Scheme, without Modification :*

Opinion of the Committee that the Provisional Order ought to be confirmed by Parliament without modification, *First Rep.* iii.

G.

Game, Reservation of. Reservation of the right of game on an inclosure in severalty, *Dickson* 903, 904; *Moore* 903, 905, 906—The Inclosure Commissioners do not like reserving game, *Dickson* 1661.

Explanation of the course adopted by the Commissioners as regards concurrent or exclusive reservation of the right of game to the lord of the manor; principle of not allowing the reservation of game where there is agriculture, *Caird* 1717-1729—Exclusive reservation allowed to the lord in hill countries, as a condition of his consent to inclosure; concurrent reservation allowed in lowland countries, *ib.* 1717-1729.

Opinion of the Committee that the Inclosure Commissioners have exercised a sound discretion in rarely giving their consent to reservation of game, *Special Rep.* iii.

It might be desirable that the sporting rights of the lord of the manor should be taken into account in ascertaining the value of the rights of the various parties interested in a common about to be inclosed, more especially as, under recent legislation, sporting rights are liable to rating, *Special Rep.* iii, iv.

Reports, 1879—continued.

Garden Allotments. Sufficiency of an allotment garden of a quarter of an acre for each cottager, where commons or waste lands are inclosed, *Leach* 184, 185.

See also *East Stainmore Common*, 4. *Maltby Common*, 5. *Matterdale Common*.
Redmoor and Golberdon Commons. *Scotton Common*, 5.

Golberdon Common. See *Redmoor and Golberdon Commons*.

I.

Inclosure Commissioners. Grounds submitted by the Committee for the recommendation that in future the reports certifying the expediency of Provisional Orders, intended by the Inclosure Commissioners to be dealt with in any one Session, be sent into the Home Office not more than fourteen days after the meeting of Parliament, *Special Rep.* iii.—Opportunity for modifications of orders by the Commissioners, if the foregoing course be adopted; necessary postponement of the final decision of the Committee when any scheme is now modified, *ib.*

Prejudice to the free action of the Inclosure Commissioners, and interference with the intentions of Parliament, if the Commissioners were informed that, should they not accept the exact terms proposed by the majority of the parties interested, the inclosure would be carried out in another way without any reference to the Acts of Parliament bearing on the subject, *Special Rep.* iv.

Inclosure of Commons. Great pains taken generally by the Commissioners in making careful inquiry before promoting applications for the inclosure of commons, *Caird* 735 —Feeling in Westmoreland in favour of inclosure of open commons, rather than regulation, *Simpson* 783-785; *Metcalfe* 835, 836 —Great improvement of common land after its inclosure, this not applying to land under regulation, *Metcalfe* 836.

Way in which the preliminary action of the Inclosure Commissioners will probably facilitate inclosures outside the Commission, *Leach* 1150-1160.

See also *East Stainmore Common*. *Maltby Common*. *Matterdale Common*.
Redmoor and Golberdon Commons. *Regulation of Commons*. *Scotton Common*.
Whittington.

J.

Jennings, Daniel. (Analysis of his Evidence.)—Representation by witness of the rural sanitary authority of Rotherham; he appears on behalf of the promoters of Maltby Common inclosure, but does not approve of the inclosure of Woodlee or Stone Green, 1417. 1487-1489. 1498-1507. 1541-1543.

Belief that the petition of the Corporation of Rotherham against the inclosure scheme was got up under the misconception that it was intended to inclose Woodlee; some members of the town council have told witness they signed under a misconception, 1472-1478. 1508-1524. 1548, 1549—Apprehension lest Woodlee may be inclosed by agreement between the parties interested, if the scheme now under consideration be not sanctioned, 1473-1475.

Ample opportunities of witness for knowing the feeling of the people of Rotherham on the question of inclosure; exceedingly little use by them of Far Common or Low Common, so that they would be quite satisfied if Woodlee be not inclosed, 1475-1486. 1497. 1519-1521. 1544-1547—Miserable state of some hovels on Stone Green; intention of Lord Scarborough to erect improved cottages in lieu of these, if the inclosure scheme be passed, 1479-1483. 1529-1540—Wet condition of the Low Common; sanitary improvement if it were inclosed and drained, 1490-1496—Very good accommodation afforded by Woodlee for cricket, 1525-1528.

L.

Leach, George Pemberton. (Analysis of his Evidence.)—Inspection by witness, as Assistant Inclosure Commissioner, of Scotton Common, in reference to its proposed inclosure; he went down twice in 1877, and once in 1878; 15-18—Due compliance with the Act of Parliament as to the posting of notices, 19-22—Particulars relative to the meetings held by witness, the attendance thereat, and the general satisfaction with the scheme, 23-33. 46-58—Objection raised, temporarily, by Mr. Gravenor Roadley as lord of the manor of Scotter, who, however, subsequently gave his consent; claim on his part that Scotton is a sub-manor of Scotter, 28-33. 46-50. 85.

Great

Leach, George Pemberton. (Analysis of his Evidence)—continued.

Great variation in the quality of the land, there being altogether about 2,105 acres, 34-36—Facilities for greatly increasing the value of the land, if the common be inclosed; special facility for warping from 250 to 300 acres, 37-39—Important benefit expected to be conferred on the locality generally, 40, 41—Ample provision made for recreation purposes; suitable piece of ground reserved for cricket, 42, 43. 73-77. 140, 141.—Full provision made also for allotment gardens, 44, 45.

Belief as to the invalidity of the claim now urged by the lord of the manor of Scotter, 46-49—On two occasions the Commissioners wrote to Mr. Roadley asking him to state the grounds of his claim; this he said he was unable to do, 49—Circumstance of Mr. Roadley having acted for many years as foreman of the jury of Scotton, *ib.*

Consents received by the Provisional Order to the extent of much more than the requisite two-thirds in value, 51-53—Objection recently raised on the part of the holders of four common rights, 54-57—General feeling of the labouring classes in favour of the inclosure, 58.

Careful consideration given by witness to the question of regulation of Scotton Common, instead of inclosure; grounds for concluding that regulation would be very unsuitable and disadvantageous as compared with inclosure, 59-72. 168—Very few objectors to the proposed scheme, 78-84—Legal question raised whether the warren is part of the common, 85-89—Belief that except the warren the whole of the common may be converted into arable, 90-97.

Agreement between the commoners and the lord of the manor as to one-sixteenth in value being given to the latter, the minerals also being reserved to him, 98, 99—Question at issue respecting the title to some garden allotments inclosed from the waste by the lord of the manor, and let to the tenants at a quit-rent of 1 s. per acre; examination as to the mode proposed by the Provisional Order for dealing with these allotments, and as to the effect upon the tenants, 100-104. 121-139. 145-148. 158-167. 173-213.

Sandy character of the 500 acres comprised in the warren, it not being capable of conversion into arable land; explanation as to witness not having proposed to deal with this area by regulation instead of inclosure, 105-120. 169-172—Probability of the tenants of the garden allotments having to pay some 25 s. an acre for them, under the inclosure scheme, whereas they now pay only 1 s. an acre; security of tenure under inclosure, so that they have not objected, 121-139. 203-210. 227-231.

Prevention by inclosure of the possible conversion of Hardwick-hill into a warren, 140-144—Consideration of the claim or right of the lord of the manor to make certain inclosures with the consent of the homage at the manor court, 145-148. 174, 175. 180, 181—Advantage of inclosure of the common as involving employment, and as attracting population to Scotton, 150, 151. 181.

Limited use now made of the common for purposes of recreation, witness further submitting that sufficient ground will be reserved for this purpose, 152-157—Explanation in connection with the proposal for setting out only nineteen acres in allotments, whilst forty-six acres are now let out by the lord of the manor at nominal rents; question hereafter as to the probability of the latter arrangement being maintained, 158-164. 176-179. 182-213.

Failure of several attempts already made with a view to regulate the common at Scotton, 165-167—Difficulty generally as to regulation on account of the expense, 168—Sufficiency of an allotment garden of a quarter of an acre for each cottager, 184, 185.

Distinction drawn between inclosures made from Scotton Common by the lord of the manor more than twenty years ago, and inclosures under twenty years, the former being excluded from the scheme now before the Committee, 187-200. 211-213—Proposal in the scheme as to certain land being allotted as garden ground to the population of East Ferry; question as to the warping of this land, 214-226.

[Second Examination.]—Explanation that an alteration of the Provisional Order, as regards Scotton Common, would probably result in the matter being thrown over to another Session, 446-448. 461—Question considered whether any alteration of the Provisional Order is really necessary in connection with the offer made on the part of the lord of the manor to let the garden allotments in perpetuity at the present low rents; facility if a legal undertaking to this effect be given to the Committee, 449-457. 461-472.

Correction of some former evidence, witness explaining that out of forty-six acres inclosed from the common, only twenty-nine acres have been let to the labouring poor at 1 s. an acre, the rest being let at much higher rents, 457-460—Invalidity of a Provisional Order affecting lands which are not subject to be inclosed, 463—Necessary alteration of the Provisional Order, if the destination of any part of the nineteen acres specified in the Order be altered, 470-472—Insufficiency of an arrangement dependent on the will of the lord of the manor to let the allotments in perpetuity at low rents, 473.

Leach, George Pemberton. (Analysis of his Evidence)—continued.

[Third Examination.]—Explanation that Mr. Wigglesworth can claim only as a commoner of Scotton, his rights being duly reserved under the Provisional Order, 539-546 —Necessity of the claimants of freeholds proving their rights before the valuer, else the lands claimed will be treated as part of the common, 543-546. 562-570—Facilities under the inclosure proceedings for settling the question of Mr. Carnochan's claim to the freehold of the warren, 556, 557. 570.

Sufficiency of consents of commoners, irrespectively of Mr. Roadley and Mr. Wigglesworth, 577-579—Necessity of the consent of the owner of the soil, 579-581—Further evidence as to the invalidity of the claim of the lord of the manor of Scotter that Scotton is a sub-manor of Scotter, 582-586. 615.

Conclusion that the Provisional Order and the inclosure should be allowed to proceed, the onus being thrown upon Mr. Roadley of proving his case in a court of law, 582. 601, 602—Explanation that witness put no pressure upon Mr. Roadley, in order to obtain his consent to the Provisional Order, 602.

Statement to the effect that even as superior lord, the lord of the manor of Scotter would not necessarily have the ownership of the soil of the warren at Scotton, 603-610 —Claim of Mr. Carnochan to an allotment in respect of the right of free warren, in the absence of proof as to ownership of the soil, 611-613.

[Fourth Examination.]—Due notices given of the meetings held by witness in reference to the proposed inclosure of the waste lands of Maltby (York), 939-943 —Very good attendance at the meetings, all classes in the parish of Maltby having been represented, 942-947—Explanation given at the first meeting, that Woodlee, comprising some twenty-five acres, or about a third of the whole common, was to be kept open as a recreation ground; misconception at first on this point, which led to some opposition, 948. 961. 999-1002. 1072-1079.

Opposition temporarily at the first meeting in 1877, on the part, chiefly, of inhabitants of Rotherham, a petition having been presented by a person who acts as hangman; very little weight attached by witness to this petition, 948-950. 1013-1026—Partial opposition at the second meeting in 1877, from some persons who exercised *quasi* rights of common, 951-955. 1007-1012—Arrangement with Lord Scarborough, whereby five acres of land are to be obtained for garden allotments in exchange for an equivalent of common land; sufficiency thereof, 956-960. 1003-1006—Reservation of one-sixteenth in value to the lord of the manor, irrespectively of certain rights, 962, 963.

Petition, signed by fifty inhabitants of Maltby, presented at a meeting held by witness this year against the proposed inclosure; large proportion of consents obtained at this meeting from the owners of common rights, 964-972—Due consideration given by witness to the question of regulation, instead of inclosure; several grounds of objection to regulation, especially as regards Maltby Low Common and Maltby Far Common, the former being exceedingly damp, 973-995. 1027-1071. 1112-1115—Question considered whether regulation would not be more advantageous than inclosure to the general public; those interested in the common would not, however, consent to regulation, 979-981. 998. 1027-1071. 1080-1085.

Resort of visitors from Rotherham and Sheffield to Roche Abbey and to Woodlee, but not to the Far Common or Low Common, 993, 994. 1000-1002. 1072-1077. 1116-1119. 1130-1132. 1140-1145—Check to the exercise of illegal rights of common, &c., if the common were regulated, 1044-1052—Difficulty as to the money required for drainage, under a regulation scheme, 1053-1060.

Deficiency generally of the Act as not empowering the Inclosure Commissioners to promote regulation save on the application of the parties interested, 1061-1063—Very exceptional instances of parties consenting to regulation, 1064-1071—Insufficiency as regards regulation of the provision for selling a portion of the common in order to pay expenses, 1064-1067.

Explanations as to the question of rating, and the incidence of the rates, in connection with the regulation of commons, and the provision of recreation grounds, 1086-1111. 1133-1138—Control to be exercised by the churchwardens and overseers in maintaining Woodlee as a recreation ground, 1100-1111—Facility of utilising Far Common and Low Common, if inclosed, as arable land, but not as pasture, 1120-1122.

Further information as to the ground of dissent on the part of fifty inhabitants of Maltby; very few legal rights of common represented by the dissentients, 1123-1129 —Distinct common rights in the case of Stone Green, which lies separate from the rest of the common, 1145—Miserable condition of some cottages on Stone Green; improvement in this respect if inclosure be carried out, 1145, 1146.

Probability of the parties interested in Maltby Common coming to terms and carrying out a common-law inclosure, if the Provisional Order be not passed; prejudice to the public thereby, 1147-1150—Tendency of the preliminary action of the Inclosure Commissioners to facilitate inclosures outside the Commission, 1150-1160—Copyhold tenure

Leach, George Pemberton. (Analysis of his Evidence)—continued.

tenure of the allotment awarded in the event of an inclosure where there are copyholders, 1161-1165.

Probable removal of objections to the Maltby Inclosure Scheme from Rotherham and Sheffield in view of the reservation of Woodlee as recreation ground, 1166-1168—Circumstance of Rotherham being more than six miles away from the land proposed to be inclosed, so that it is not a suburban town within the meaning of the Act, 1169-1171—There was no application for regulation instead of inclosure, 1172.

[Fifth Examination.]—Explanation that Woodlee is not a village green, 1560-1562—Very good facilities afforded by Woodlee for cricket, 1562, 1563—Visits of Rotherham people to Maltby on account of Roche Abbey rather than on account of the commons, 1563—Inability to sell more than two acres (or one-fortieth) in order to pay the cost of regulation, 1563, 1564—Circumstance of opposition not having been offered on behalf of Rotherham or Sheffield at any of the meetings held by witness, 1565-1567.

Leader, Robert. (Analysis of his Evidence.)—Is a member of the Sheffield Town Council, and testifies to the unanimous opposition of that body to the proposed inclosure of Maltby Common, 1406-1408. 1423, 1424—The reservation of Woodlee Common as an open space is no compensation for the inclosure of Far Common and Low Common; the former, moreover, is very ill fitted for recreation purposes, and is quite unsuitable for cricket, except for boys, 1409-1411. 1438-1440. 1456-1459. 1463-1467.

Very little uninclosed land near Sheffield, so that there is the stronger reason for the preservation of Maltby Common, 1412-1422—Claim on the part of Rotherham to the preservation of the common; local feeling on the subject, 1426-1434—Considerable numbers who go to the common from Sheffield and Rotherham, 1434, 1435. 1449-1455.

Reference to Low Common and Far Common, as not being swampy, and as being well adapted for recreation, 1434-1444—Prospect of some of the land, if inclosed, being used for a game preserve, instead of being cultivated, 1445-1448. 1468-1470—Belief that there is a right of way over the common, 1460-1462.

[Second Examination.]—Evidence purporting to show that the petition of the Corporation of Rotherham alludes, in adverse terms, to the inclosure, not only of Woodlee, but of Far Common and Low Common, 1550-1559—Petition of the inhabitants of Rotherham in opposition to inclosure, 1553.

Lincolnshire. See *Scotton Common.* *Warping.*

Lindric Common (York). Reference to Lindric Common, fourteen miles from Sheffield, as being threatened with inclosure, *Leader* 1420.

An application for inclosure of this common has been made to the Inclosure Commissioners, but has been refused, *Leach* 1564.

Llanfair Hills (Salop). Failure of the Bill for the inclosure of this common to pass the House of Lords in the last Session, it having been petitioned against, and the promoters not having appeared to answer the petition, *Special Rep.* iv—Desire of the promoters that the Provisional Order should be submitted to Parliament, they having failed to appear through inadvertence, *ib.*

Grounds upon which the Committee conclude that the Bill must be deemed a dropped Order, and that it will be necessary, on the part of the promoters, that the usual notices be given, and the statutory consents obtained, before they can take further steps towards inclosure, *Special Rep.* iv.

M.

MALTBY COMMON (YORK):

1. *Local Meetings held by the Inclosure Commissioners in reference to the Maltby Inclosure Scheme; amount of Opposition experienced.*
2. *Reasons submitted in favour of Inclosure rather than Regulation; detailed Report of the Commissioners on the subject.*
3. *Opposition on the part of Sheffield and Rotherham to the proposed Inclosure.*
4. *Explanations in reply to the foregoing Objections.*
5. *Arrangement with the Lord of the Manor as to Garden Allotments, &c.*
6. *Arrangement as regards Stone Green, and the erection of Improved Cottages.*
7. *Objection to Inclosure as interfering with Botanical Researches.*
8. *Prospect of Game Preservation on Land to be Inclosed.*
9. *Provisional Order for Inclosure.*
10. *Conclusions of the Committee in approval of Provisional Order.*

MALTBY COMMON (YORK)—continued.**1. Local Meetings held by the Inclosure Commissioners in reference to the Maltby Inclosure Scheme; amount of Opposition experienced:**

Due notices given of the meetings held by witness in reference to the proposed inclosure of the waste lands of Maltby, *Leach* 939-943—Very good attendance at the meetings, all classes in the parish of Maltby having been represented, *ib.* 942-947—Explanation given at the first meeting that Woodlee, comprising some twenty-five acres, or about a third of the whole common, was to be kept open as a recreation ground; misconception at first on this point, which led to some opposition, *ib.* 948. 961. 999-1002. 1072-1079.

Opposition temporarily at the first meeting, in 1877, on the part chiefly of inhabitants of Rotherham, a petition having been presented by a person who acts as hangman; very little weight attached by witness to this petition, *Leach* 948-950, 1013-1026—Partial opposition, at the second meeting in 1877, from some persons who exercised *quasi* rights of common, *ib.* 951-955. 1007-1012.

Petition, signed by fifty inhabitants of Maltby, presented at a meeting held this year against the proposed inclosure; large proportion of consents obtained at this meeting from the owners of the common rights, *Leach* 964-972—Explanation in connection with the objection raised by Professor Rolleston, *ib.* 967-969.

Further information as to the ground of dissent on the part of fifty inhabitants of Maltby; very few legal rights of common represented by the dissentients, *Leach* 1123-1129.

Letter from Professor Rolleston, dated 22nd February 1879, objecting, on several grounds, to the inclosure scheme in question, *App. (Second Rep.)* 128, 129.

2. Reasons submitted in favour of Inclosure rather than Regulation; detailed Report of the Commissioners on the subject:

Due consideration given by witness to the question of regulation, instead of inclosure; several grounds of objection to regulation, especially as regards Maltby Low Common and Maltby Far Common, the former being exceedingly damp, *Leach* 973-975. 1027-1071. 1112-1115—Question considered whether regulation would not be more advantageous than inclosure to the general public; those interested in the common would not, however, consent to regulation, *ib.* 979-981. 998. 1027. 1080-1085—Check to the exercise of illegal rights of common, &c., if the common were regulated, *ib.* 1044-1052.

Difficulty as to the money required for drainage, under a regulation scheme, *Leach* 1053-1060—Facility of utilising Far Common and Low Common, if inclosed, as arable land, but not as pasture, *ib.* 1120-1122—Probability of the parties interested in Maltby Common coming to terms, and carrying out a common law inclosure, if the Provisional Order be not passed; prejudice to the public thereby, *ib.* 1147-1150—There was no application for regulation, instead of inclosure, *ib.* 1172—Inability to sell more than two acres (or one-fortieth), in order to pay the cost of regulation, *ib.* 1563, 1564.

There are four portions of common land in the parish dealt with by Provisional Order, three of which it is proposed to inclose, *Tippet* 1175-1177—Swampy character of a large part of Low Common and of Far Common, so that their inclosure and improvement would be a great benefit, *ib.* 1181, 1182—Decided objection of Lord Scarborough, and other common right owners, to consent to a regulation of the common; excessive outlay necessary for drainage, *ib.* 1219. 1223-1239.

Probability of private inclosure by agreement, if the Provisional Order be not approved, *Tippet* 1220—Inducement to drain the land, if inclosed and altered; cultivation expected before using it as pasture, *ib.* 1240-1247.

Report of the Inclosure Commissioners, dated 15th March 1879, submitting sundry details in connection with the common, together with reasons for approving of the scheme for its inclosure, *App. (Second Rep.)* 125-127.

3. Opposition on the part of Sheffield and Rotherham to the proposed Inclosure:

Representation by witness, as mayor of Sheffield, of the strong and unanimous objection of the town council to the scheme for the inclosure of Maltby Common, *Ward* 1252-1257. 1282-1286. 1332-1334—Very large population of Sheffield, whilst there is but very little uninclosed ground within twelve miles of the town, *ib.* 1258. 1287-1289. 1298. 1328-1331—Grounds for objecting to the inclosure of Low Common and Far Common, though not so much resorted to as Woodlee by people from Sheffield, *ib.* 1259-1281. 1321-1329.

Advantage to the public if the common were regulated and improved, instead of being partly inclosed, *Ward* 1290-1293—Explanation that the town council of Sheffield, in signing the petition against the inclosure scheme, were well aware that it was not intended

MALTBY COMMON (YORK)—continued.3. *Opposition on the part of Sheffield and Rotherham, &c.*—continued.

intended to inclose Woodlee, *Ward* 1294-1297—Belief as to there being a strong feeling in Rotherham against the inclosure, *ib.* 1301-1303.

Willingness of the town of Sheffield to contribute towards the regulation of Maltby Common, rather than that the common should be inclosed, *Ward* 1305-1320—Expediency of the inclosure scheme not being sanctioned, although it may be legal for the parties interested to carry out inclosure by private arrangement, *ib.* 1335-1346—Probability of a certain portion of the common, if inclosed, being planted, rather than converted into arable, *ib.* 1346-1348.

Concurrence of witness, who is Master Cutler of Sheffield, in the evidence of Mr. Ward, as to the injury to the town, if Maltby Common be inclosed, *Brittain* 1349-1352—Petition of the town council against the inclosure scheme, in the knowledge that Woodlee Common was intended to be left open, *ib.* 1353, 1354—Considerable extent to which not only Woodlee, but Far Common and Low Common, are used for recreation by people from Sheffield, *ib.* 1355, 1356, 1363-1368, 1382-1391—Denial that the Low Common is swampy, *Brittain* 1356; *Leader* 1435-1437.

Expected opposition on the part of Sheffield and Rotherham if the Provisional Order not being confirmed, the common right owners were to combine for carrying out inclosure by private agreement, *Brittain* 1357-1362, 1377, 1378—Very little uninclosed land near Sheffield, the feeling of the town adverse to the inclosure of Maltby Common being very strong; large population interested in the matter, *ib.* 1371, 1372, 1388-1404—Readiness of Sheffield to contribute to the cost of regulating the common, *ib.* 1373-1376.

As a member of the Sheffield Town Council witness testifies to the unanimous opposition of that body to the proposed inclosure of Maltby Common, *Leader* 1406-1408, 1423, 1424—The reservation of Woodlee Common as an open space is no compensation for the inclosure of Far Common and Low Common; the former, moreover, is very ill fitted for recreation purposes, and is quite unsuitable for cricket, except for boys, *ib.* 1409-1411, 1438-1440, 1456-1459, 1463-1467—Very little uninclosed land near Sheffield, so that there is the stronger reason for the preservation of Maltby Common, *ib.* 1412-1422.

Claim on the part of Rotherham to the preservation of the common; local feeling on the subject, *Leader* 1426-1434—Considerable numbers who go to the common from Sheffield and Rotherham, *ib.* 1434, 1435, 1449-1455—Reference to Low Common and Far Common as not being swampy, and as being well adapted for recreation, *ib.* 1435-1444—Belief that there is a right of way over the common, *ib.* 1460-1462.

Evidence purporting to show that the petition of the corporation of Rotherham alludes in adverse terms to the inclosure not only of Woodlee, but of Far Common and Low Common, *Leader* 1550-1559—Petition of the inhabitants of Rotherham in opposition to inclosure, *ib.* 1553.

4. *Explanations in reply to the foregoing Objections:*

Resort of visitors from Rotherham and Sheffield to Roche Abbey and to Woodlee, but not to Far Common and Low Common, *Leach* 993, 994, 1000-1002, 1072-1077, 1116-1119, 1130, 1132, 1140-1145—Probable removal of objections to the Maltby Inclosure Scheme from Rotherham and Sheffield in view of the reservation of Woodlee as recreation ground, *ib.* 1166-1168—Circumstances of Rotherham being more than six miles away from the land proposed to be inclosed, so that it is not a suburban town within the meaning of the Act, *ib.* 1169-1171.

Woodlee is proposed to be kept open in perpetuity as recreation ground, *Tippet* 1178-1180—Roche Abbey is private property, and will be kept open as hitherto, *ib.* 1190-1192.

Picturesque character of Woodlee, which is much resorted to by visitors, whereas Low Common and Far Common are exceedingly uninteresting, and are never frequented by people from Rotherham or Sheffield, *Tippet* 1187-1189, 1193, 1194, 1221, 1222.

Representation by witness of the rural sanitary authority of Rotherham; he appears on behalf of the promoters of Maltby Common Inclosure, but does not approve of the inclosure of Woodlee or Stone Green, *Jennings* 1471, 1487-1489, 1498-1507, 1541-1543—Belief that the petition of the corporation of Rotherham against the inclosure scheme was got up under the misconception that it was intended to inclose Woodlee; some members of the town council have told witness they signed under a misconception, *ib.* 1472-1478, 1508-1524, 1548, 1549.

Apprehension lest Woodlee may be inclosed by agreement between the parties interested, if the scheme now under consideration be not sanctioned, *Jennings* 1473-1475—Ample opportunities of witness for knowing the feeling of the people of Rotherham on the question of inclosure; exceedingly little use by them of Far Common

Reports, 1879—continued.

MALTBY COMMON (YORK)—continued.4. *Explanations in reply to the foregoing Objections*—continued.

or Low Common, so that they would be quite satisfied if Woodlee be not inclosed, *Jennings* 1475-1486. 1491. 1519-1521. 1544-1547.

Wet condition of the Low Common; sanitary improvement, if it were inclosed and drained, *Jennings* 1490-1496—Very good accommodation afforded by Woodlee for cricket, *Jennings* 1525-1528; *Leach* 1562, 1563.

Explanation that Woodlee is not a village green, *Leach* 1560-1562—Visits of Rotherham people to Maltby on account of Roche Abbey, rather than on account of the commons, *ib.* 1563—Circumstance of opposition not having been offered on behalf of Rotherham or Sheffield at any of the meetings held by witness, *ib.* 1565-1567.

5. *Arrangement with the Lord of the Manor as to Garden Allotments, &c. :*

Arrangement with Lord Scarborough whereby five acres of land are to be obtained for garden allotments in exchange for an equivalent of common land; sufficiency thereof, *Leach* 956-960. 1003-1006—Reservation of one-sixteenth in value to the lord of the manor, irrespectively of certain rights, *ib.* 962, 963—Beneficial arrangement to be carried out by Lord Scarborough as regards cottagers' gardens, *Tippett* 1185, 1186. 1216-1218.

6. *Arrangement as regards Stone Green, and the erection of Improved Cottages :*

Distinct common rights in the case of Stone Green, which lies separate from the rest of the common, *Leach* 1145—Miserable condition of some cottages on Stone Green; improvement in this respect if inclosure be carried out, *ib.* 1145, 1146.

Unfitness of Stone Green for cultivation, it being proposed by Lord Scarborough (who is lord of the manor) to reserve it as a village green, and to build improved cottages, in lieu of the wretched habitations now upon it, *Tippet* 1183, 1184. 1195-1215—Statement as to Stone Green not being strictly a village green, *ib.* 1196-1209. 1248-1251.

Miserable state of some hovels on Stone Green; intention of Lord Scarborough to erect improved cottages in lieu of these, if the inclosure scheme be passed, *Jennings* 1479-1483. 1529-1540.

7. *Objection to Inclosure as interfering with Botanical Researches :*

Value of preserving Maltby Common as supplying in its present state beautiful specimens in botany, *Brittain* 1368-1370. 1379-1381.

8. *Prospect of Game Preservation on Land to be Inclosed :*

Prospect of some of the land, if inclosed, being used for a game preserve, instead of being cultivated, *Leader* 1445-1448. 1468-1470.

9. *Provisional Order for Inclosure :*

Copy of Provisional Order for the inclosure, *App. (Second Rep.)* 127, 128.

10. *Conclusions of the Committee in approval of Provisional Order :*

Resolution of the Committee (Mr. Shaw Lefevre dissenting), that the Provisional Order should be confirmed by Parliament without modification, *Second Rep.* iii-v.

Summary of the objections raised on the part of the inhabitants of Rotherham and Sheffield; difficulty as to contribution by these towns to the regulation of the common, as not being a suburban common, being more than six miles distant, *Special Rep.* iv.

Comment by the Committee upon the statement that the parties interested might come to terms and inclose the whole common, if the Provisional Order were not accepted by Parliament, *Special Rep.* iv.

Map. Unnecessary expense in making a skeleton map of each common proposed to be regulated or inclosed, and in circulating such map with every report printed by Parliament; suggestion that a map might be hung up in the Committee Room, *Caird* 1884, 1885.

Recommendation by the Committee that a skeleton map of the commons proposed to be regulated or inclosed, be appended to the Provisional Order, showing certain particulars, *Special Rep.* iv.

MATTERDALE COMMON (CUMBERLAND) :

Inspection by witness (as Assistant Inclosure Commissioner) of Matterdale Common, an application having been made for the inclosure of part, and the regulation of part, *Dickson* 1568, 1569—Proposal at first to inclose 3,214 acres, and to regulate 2,245 acres; subsequent modification by the Commissioners, when it was decided, without opposition, to inclose only 2,794 acres, and to regulate 2,665 acres, *ib.* 1570-1572. 1637-1643.

Very small population near the common, it being proposed to devote seven acres near Troutbeck, and seven acres near Matterdale End Gate, to recreation purposes, *Dickson* 1573-1577

Reports, 1879—continued.

MATTERDALE COMMON (CUMBERLAND)—continued.

1573-1577—Proposed allotment of five acres for cottage gardens, whilst two acres are set out for turbary, and proper quarries are also reserved, *Dickson* 1578-1582—Attendance at the two meetings held by witness, more than two-thirds in value having consented to the Provisional Order, *ib.* 1583-1593—All the required notices were duly given or posted, *ib.* 1585, 1586—One meeting was held in the morning, attended by forty-two persons, and the other in the evening, attended by thirty persons, *ib.* 1587-1591.

Advantages expected from regulating part of the common; objections to the regulation of a larger portion, in lieu of inclosure, *Dickson* 1594-1626, 1644-1652—Large increase in the value of the land by inclosure, and by draining and planting, *ib.* 1596-1601. 1611-1617. 1623-1626. 1644, 1645. 1649—Satisfactory arrangements as regards roads across the common when regulated and inclosed, *ib.* 1599, 1604-1610. 1646-1648.

Explanation as to there being a reservation of the concurrent right of the lord of the manor of Matterdale to sport over the inclosed part of the common; several precedents for this course, *Dickson* 1627-1636. 1654-1679—Difficulty in obtaining the requisite money for improvements by sale of a small part of the common, so that it is proposed to raise the amount by a rate, *ib.* 1653.

Report of the Inclosure Commissioners, dated 25th March 1879, containing information in detail, and submitting grounds for approving of the regulation of part, and the inclosure of the other part of Matterdale Common, *App. (Second Rep.)* 129-131.

Provisional Orders for regulation and inclosure respectively, *App. (Second Rep.)* 131-134.

Conclusion of the Committee that the Provisional Order for inclosure and regulation should be confirmed without modification, *Second Rep.* iii.

Summary by the Committee of the reasons assigned for the reservation of sporting rights to the lord of the manor over the lands to be inclosed, *Special Rep.* iii.

Metcalfé, Anthony. (Analysis of his Evidence.)—Practical experience upon which witness, as a landowner and farmer near East Stainmore, concludes that the part inclosure, and part regulation of East Stainmore Common, would be very beneficial to the locality, 831 *et seq.*—Feeling in Westmoreland in favour of inclosure of open commons, rather than regulation, 835, 836—Great improvement of common land after its inclosure, this not applying to land under regulation, 836.

Beneficial effect as regards employment and the supply of cottage accommodation by the proposed inclosure, 837-840. 863-869—Sufficiency of ten acres for garden allotments, 841, 842—Estimated amount of stock now turned out upon the common; reference hereon to the small size of the farms, 843-846. 850-853. 874—Much greater improvement expected on the inclosed portion than on the regulated portion, 847-849. 853-862. 870-873.

Meynell-Ingram, Mrs. See *Scotton Common*, 9.

Milman, Henry Salusbury. (Analysis of his Evidence.)—Local inquiry held by witness, as Assistant Inclosure Commissioner, in the matter of the inclosure of Redmoor and Golberdon Commons, Cornwall, 1737, 1738—The requisite advertisements and notices were duly given, 1739-1741—Two meetings were held by witness, the only opposition to inclosure being on the part of some commoners, in respect of the expense of roads, 1742-1744. 1763. 1838.

Proximity of the two commons to each other, and to the town of Callington, the area of one being 207 acres, and of the other, 195 acres, 1745-1747. 1792. 1810, 1811—Trial formerly at Golberdon of the system of pasturage in unfenced strips; unsatisfactory result thereof, so that inclosure is now desired, 1748-1753. 1773, 1774, 1805, 1806. 1819-1821—Proposed recreation ground of five acres in each common; want of such ground chiefly in Golberdon, 1754-1756—Allotment of six acres at Golberdon, and of four acres at Redmoor, for cottage gardens, 1757-1762.

Beneficial effects of inclosures at Callington and Calstock, witness anticipating similar results at Golberdon and Redmoor, 1764-1769. 1792-1809. 1815-1817—Explanation that there is no lord of the manor of Redmoor or Golberdon, other than the commoners themselves, and that the rights of the commoners are well ascertained, 1770-1777. 1786-1791—Great improvement feasible in the soil, both of Golberdon and Redmoor, if inclosed and cultivated; superiority of the former to the latter in this respect, 1778-1783. 1815-1817.

Local feeling in favour of inclosure as a means towards employment, 1784—Very little interest of Liskeard in the question of inclosure, 1785—Total of about fifty commoners interested in the commons, 1812-1814—Special attention paid by witness to the

Milman, Henry Salusbury. (Analysis of his Evidence)—*continued.*

the question of regulation, rather than inclosure, of any common; chief obstacle to regulation in the unwillingness of the commoners to incur the necessary expense, whilst inclosure is directly to their benefit, 1818. 1823-1834—Unsuitableness of regulation for the commons now under consideration, 1818-1821—Advantage of regulation in some cases of pasture land; difficulty chiefly as to arable, 1835-1837.

[Second Examination.]—Good attendance at the meetings held by witness in the matter of the Whittington Inclosure; there was no opposition, but some question was raised with regard to certain roadside strips, 1886-1891—Explanations in detail in connection with these strips, the views of witness in favour of their being allotted or placed under control, and the reasons which induced the Commissioners to exclude them from the inclosure scheme, 1891-1900. 1907-1915. 1949, 1950.

Information relative to the lands proposed to be dealt with respectively, as garden allotments and as recreation ground, the residue being inclosed, 1915-1920—Statement as to the former village green at Whittington having disappeared, cottages having been built upon it from time to time, 1901-1906. 1934-1950—Conclusion as to inclosures having been formerly made in the parish, previously to the Inclosure Act, and without proper authority, 1921-1949.

Modification of Provisional Orders. See *Provisional Orders.* *Scotton Common*, 14.

Moore, John Robert. (Analysis of his Evidence.)—Statement of the circumstances under which the Inclosure Commissioners suggested that a larger portion of East Stainmore Common should be regulated and a smaller portion inclosed, than was proposed by the applicants for the inclosure, 891, 892.

O.

Oldman, Thomas Hugh. (Analysis of his Evidence.)—Is solicitor for the promoter of the Provisional Order for the inclosure of Scotton Common, 317, 318—Is intimately acquainted with the common, which is practically worthless in its present state, 319, 320—Submits grounds for the conclusion that it is almost impossible to carry out a scheme for the regulation of the common, 321-375.

Unwillingness of the owners interested in the common to spend the money required under regulation to convert the land into good pasture, 322. 342-349—Explanation relative to the rights of the tithstead owners, as being equitable rather than legal rights; obstacle on this score to a regulation scheme, 322-334. 349-357—Exceptional instances of common right owners who have not concurred in the scheme for the inclosure of the common, 335-341.

Failure of some attempts at regulation already made by owners of common rights; meeting for the purpose in March 1877, when the proposal fell through on account of the difficulty of settling the rights of common, 345. 348. 358-375.

Information relative to the garden allotments and the rents paid for them to the steward, on the part of the lord of the manor; claim of the latter to the possessory title to the allotments, 376-401. 431-445—Correction of Mr. Leach's evidence as to the rent paid per acre for the allotments, and as to the quantity, 379-381.

Improved rents for recent allotments though the old rents have never been raised; contention of the lord of the manor that he can at any time raise the rents, 379. 382-389. 431-437—Inaccuracy of the view that only a quit rent is paid for the allotments, 379. 384-389. 431-445—Improved position, under the inclosure scheme, of the holders of allotments, as their tenure would be secure; liability otherwise to increase of rent when there is a new lord of the manor, though the present lord may never adopt this course, 390-414.

Willingness of the lord of the manor (Mr. Carnochan) to consent to an arrangement for letting the gardens at the present rent in perpetuity, whilst nineteen acres should still be reserved for allotments under the inclosure scheme; this offer has repeatedly been made, 410. 414-430—Contemplated modification of the Provisional Order in order to give effect to this arrangement, 414, 415. 420-430.

Alternative proposition on the part of Mr. Carnochan to the effect that he will undertake to grant other land to the labouring poor, equal in area to the land in dispute; this would be outside the Provisional Order altogether, 474-478—Suggestion that any alteration of the Provisional Order in reference to the objection raised merely by Mr. Wigglesworth need not involve the sending down of the case to the locality for re-consideration by the commoners, 475.

[Second Examination.]—Further evidence as to the disadvantages of regulation as compared with inclosure in the case of Scotton Common, 479-529—Impracticability of

Reports, 1879—continued.

Oldman, Thomas Hugh. (Analysis of his Evidence)—continued.

of converting the warren into good pasture, whereas a considerable portion of it may be greatly improved by warping or by claying, under an inclosure scheme, 484-491. 506-529—Definition of local conditions under which the regulation of any common would be preferable to its inclosure, 492-504.

Explanations relative to a certain plan of Scotton Common in which the warren is valued at 4 l. an acre; some portions of the land are however much better than others, and the greater part may be converted into arable, 506-529—Dispute as to the ownership of the warren, such dispute being specially reserved in the Provisional Order, 525—Belief that the warren may be maintained after inclosure without injury from the rabbits to the garden allotments, 528, 529.

[Third Examination.]—Further explanation of the proposal of the lord of the manor to grant land in trust, equivalent to the present garden allotments, as a condition of the Provisional Order being confirmed, 730-732.

P.

Pooley, Edmund. (Analysis of his Evidence.)—Representation by witness, who is a solicitor, of the objections of Mr. Gravenor Roadley, Mr. Charles Wiglesworth, and Mr. Thomas Butler to the scheme for the inclosure of Scotton Common, 530, 531.

Rights claimed by Mr. Roadley, as lord of the superior manor of Scotter; evidence ready to be produced on his behalf to the effect that Scotton is a sub-manor of Scotter, 532, 533. 547-552. 587-591. 616—Insufficiency of the reservation in the Provisional Order of the rights claimed by witness' clients, 534-538.

Statement that Mr. Roadley and Mr. Wiglesworth gave their consent to the inclosure scheme without prejudice to their rights, and are now anxious to withdraw such consent and to be considered as objectors, 535-538. 548. 553-556. 570-572. 599, 600. 613-615—Claim of Mr. Wiglesworth as a commoner, it being contended on his behalf and that of Mr. Roadley that Mr. Carnochan has no claim to the freehold of the 500 acres comprised in the warren, and that he bought merely the right of free warren, 537. 547-551. 558-562. 592-598.

Insufficient consents for going on with the inclosure, if the consents of Mr. Roadley and Mr. Wiglesworth be withdrawn, 573-576—Statement as to Mr. Roadley having served as foreman of the jury at Scotton, and having never received any quit rent or payment as lord paramount, 586-591.

Pressure under which Mr. Roadley first consented to the inclosure, but without prejudice to his sights, 599, 600—Mr. Roadley is in fact in a position to prove his claim, and withdraws from the inclosure, 613-616.

Provisional Orders. Inability of a Provisional Order affecting lands which are not subject to be inclosed, *Leach* 463.

Opportunity for modification of Provisional Orders if the reports certifying the expediency of Orders, intended to be dealt with in any Session, were sent into the Home Office not more than fourteen days after the meeting of Parliament, *Special Rep.* iii.

Necessary postponement of the final decision of the Committee to the ensuing Session, when any scheme is modified under the present system, *Special Rep.* iii.

R.

Rates. Explanations as to the question of rating, and the incidence of the rates, in connection with the regulation of commons, and the provision of recreation grounds, *Leach* 1086-1111. 1133-1138.

Recreation Ground. See *East Stainmore Common*, 4. *Maltby Common*, 3, 4. *Redmoor and Golberdon Commons.* *Scotton Common*, 5. *Whittington.*

REDMOOR AND GOLBERDON COMMONS (CORNWALL):

Application made to the Inclosure Commissioners in the autumn of 1878 for the inclosure of Redmoor and Golberdon Commons near Liskeard, an Assistant Commissioner having been subsequently sent down, *Caird* 1680-1684—Reference to the Commissioner's Report as supplying full particulars in the cases of Redmoor and Golberdon, *ib.* 1687-1691—Failure of a former attempt at regulation, the people interested being in favour of inclosure, *ib.* 1692-1696.

REDMOOR AND GOLBERDON COMMONS (CORNWALL)—continued.

Local inquiry held by witness, as Assistant Inclosure Commissioner, in the matter of the inclosure of Redmoor and Golberdon Commons, *Milman* 1737, 1738—The requisite advertisements and notices were duly given, *ib.* 1739-1741—Two meetings were held by witness, the only opposition to inclosure being on the part of some commoners in respect of the expense of roads, *ib.* 1742-1744. 1763. 1838.

Proximity of the two commons to each other, and to the town of Callington, the area of one being 207 acres, and of the other 195 acres, *Milman* 1745-1747. 1792. 1810, 1811—Trial formerly at Golberdon of the system of pasturage in unfenced strips; unsatisfactory result thereof, so that inclosure is now desired, *ib.* 1748-1753. 1773, 1774. 1805, 1806. 1819-1821—Proposed recreation ground of five acres in each common; want of such ground chiefly in Golberdon, *ib.* 1754-1756—Allotment of six acres at Golberdon, and of four acres at Redmoor for cottage gardens, *ib.* 1757-1762.

Beneficial effects of inclosures at Callington and Calstock, witness anticipating similar results at Golberdon and Redmoor, *Milman* 1764-1769. 1792-1809. 1815-1817—Explanation that there is no lord of the manor of Redmoor at Golberdon other than the commoners themselves, and that the rights of the commoners are well ascertained, *ib.* 1770-1777. 1786-1791.

Great improvement feasible in the soil both of Golberdon and Redmoor, if inclosed and cultivated; superiority of the former to the latter in this respect, *Milman* 1778-1783. 1815-1817—Local feeling in favour of inclosure, as a means towards employment, *ib.* 1784—Very little interest of Liskeard in the question of inclosure, *ib.* 1785—Total of about fifty commoners interested in the commons, *ib.* 1812-1814—Unsuitableness of regulation for these commons, *ib.* 1818-1821, *ib.*

Report of the Inclosure Commissioners, dated 31st March 1879, relative to, and in approval of, the proposed inclosure, *App. (Second Rep.)* 135, 136.

Provisional Order for inclosure, *App. (Second Rep.)* 136, 137.

Conclusion of the Committee that the Provisional Order for inclosure should be confirmed by Parliament without modification, *Second Rep.* iii.

Regulation of Commons. Difficulty generally as to regulation on account of the expense, *Leach* 168—Definition of local conditions under which the regulation of any common would be preferable to its inclosure, *Oldman* 492-504.

Deficiency generally of the Act as not empowering the Inclosure Commissioners to promote regulation, save on the application of the parties interested, *Leach* 1061-1063.—Very exceptional instances of parties consenting to regulation, *ib.* 1064-1071.

Insufficiency as regards regulation of the provision for selling a portion of the common in order to pay expenses, *Leach* 1064-1067—Inability to sell more than one-fortieth of any common in order to pay the cost of regulation, *ib.* 1563, 1564.

Belief that there has been no instance of regulation of a low land common; several instances of the Commissioners have recommended regulation, but without effect, *Caird* 1702-1716. 1730-1736.

Special attention paid by witness to the question of regulation, rather than inclosure, of any common; chief obstacle to regulation in the unwillingness of the commoners to incur the necessary expense, whilst inclosure is directly to their benefit, *Milman* 1818. 1823-1834—Advantage of regulation in some cases of pasture land; difficulty chiefly as to arables, *ib.* 1835-1837.

See also *Arkengarthdale Moor.* *East Stainmore Common.* *Maltby Common.*
Matterdale Common. *Redmoor and Golberdon Commons.* *Scotton Common, 4.*

Roadley, Gravenor. See *Scotton Common.*

Rolleston, Professor. See *Maltby Common, 1.*

Ross, Thomas. (Analysis of his Evidence.)—Practical experience upon which witness concludes that *Scotton Common* would be greatly improved by inclosure and warping, 306-314—Approval of the land near East Ferry being warped by agreement before it is allotted, 315, 316.

Rotherham. See *Maltby Common, 3, 4.*

S.

SCOTTON COMMON (LINCOLN):

1. *Steps taken on the part of the Inclosure Commissioners in reference to the Scotton Inclosure Scheme; Consents received, and Objections raised.*
 2. *Great Improvement in the Value of the Land, if the Common be Inclosed and Warping be carried out.*
 3. *Beneficial Effect of Inclosure as regards Population and Employment.*
 4. *Conclusions adverse to Regulation in lieu of Inclosure.*
 5. *Provision for Recreation Purposes and Garden Allotments.*
 6. *Objection raised and Claim made on the part of the Lord of the Manor of Scotter; Reply thereto.*
 7. *Question raised and Claim made in respect of the Warren; Improvement of this Land if Inclosed.*
 8. *Garden Allotments inclosed from the Waste by the Lord of the Manor; Arrangement proposed in respect thereof.*
 9. *Objection on the part of Mrs. Meynell-Ingram to the Land being Warped; Reply thereto.*
 10. *Reservations to the Lord of the Manor.*
 11. *Hardwick Hill.*
 12. *Details supplied in Report of Inclosure Commissioners.*
 13. *Provisional Order for Inclosure.*
 14. *Modifications proposed by the Committee in the Provisional Order.*
1. *Steps taken on the part of the Inclosure Commissioners in reference to the Scotton Inclosure Scheme; Consents received, and Objections raised:*

Application made to the Inclosure Commissioners in the course of last year for the inclosure of Scotton Common, an Assistant Commissioner having been subsequently sent down, and all advertisements and legal notices duly issued, *Caird* 1-8.

Inspection by witness, as Assistant Inclosure Commissioner, of Scotton Common, in reference to its proposed inclosure; he went down twice in 1877 and once in 1878, *Leach* 15-18—Due compliance with the Act of Parliament as to the posting of notices, *ib.* 19-22—Particulars relative to the meetings held by witness, the attendance thereat, and the general satisfaction with the scheme, *ib.* 23-33. 46-58.

Consents received by the Provisional Order to the extent of much more than the requisite two-thirds in value, *Leach* 51-53—Both the claimants to the soil have signed the Provisional Order, *ib.* 51—Objection recently raised on the part of the holders of four common rights, *ib.* 54-57—General feeling of the labouring classes in favour of the inclosure, *ib.* 58—Very few objectors to the proposed scheme, *ib.* 78-84.

Petition recently received by witness from the locality in favour of the scheme before the Committee, *Winn* 298—Exceptional instances of common-right owners who have not concurred in the scheme for the inclosure of the common, *Oldham* 335-341.

Representation by witness of the objections of Mr. Gravenor Roadley, Mr. Charles Wiglesworth, and Mr. Thomas Butler to the scheme for the inclosure of Scotton Common, *Pooley* 530, 531—Insufficiency of the reservation in the Provisional Order of the rights claimed by witness' clients, *ib.* 534-538—Statement that Mr. Roadley and Mr. Wiglesworth gave their consent to the inclosure scheme without prejudice to their rights, and are now anxious to withdraw such consent and to be considered as objectors, *ib.* 536-538. 548. 553-556. 570-572. 599. 600. 613-615—Insufficient consents for going on with the inclosure, if the consents of Mr. Roadley and Mr. Wiglesworth be withdrawn, *ib.* 573-576.

Explanation that Mr. Wiglesworth can claim only as a commoner of Scotton, his rights being duly reserved under the Provisional Order, *Leach* 539-546—Sufficiency of consents of commoners irrespectively of Mr. Roadley and Mr. Wiglesworth, *ib.* 577-579—Necessity of the consent of the owner of the soil, *ib.* 579-581.

2. *Great Improvement in the Value of the Land, if the Common be Inclosed and Warping be carried out:*

Inspection of the common by witness, who considers it admirably adapted for inclosure, and capable of great agricultural development by means of warping, *Caird* 9, 10—The common now yields extremely little to any one interested in it, but it is believed its increased value by cultivation will be at least 3,000 *l.* a year, *Leach* 37—The common is practically worthless in its present state, *Caird* 9; *Winn* 297; *Oldham* 319, 320.

Great variation in the quality of the land, there being altogether about 2,105 acres, *Leach* 34-36—The fee-simple value ranges from 4 *l.* to 40 *l.* an acre, the average of the whole being about 13 *l.* 8 *s.* an acre, *ib.* 36—Facilities for greatly increasing the value

SCOTTON COMMON (LINCOLN)—continued.

2. *Great Improvement in the Value of the Land, &c.*—continued.

of the land if the common be inclosed; special facility for warping from 250 to 300 acres, *Leach* 37-39—Important benefit expected to be conferred on the locality generally, *ib.* 40, 41.

Belief that, except the warren, the whole of the common may be converted into arable, *Leach* 90-97.

Views of witness as to the great improvement which may be effected in the value of Scotton Common by warping the land, *Durham* 232-259—Suggestions as to the extent to which warping should be applied to different parts of the common, and as to the allocation of the cost between the parties interested, *ib.* 238-256. 272-292—Expediency of warping nine acres proposed to be set aside for garden ground at East Ferry; the land would then be worth about 80*l.* an acre instead of 30*l.*, *ib.* 252-258. 274-278—Advantage if warping could be carried out as a general scheme before the land is divided into allotments and hedges put up, *ib.* 280-292.

Personal experience upon which witness concludes that Scotton Common might, with great advantage, be inclosed, and a portion of it be warped, *Winn* 294-300—Expediency of the allotments being set out before warping takes place, *ib.* 304, 305.

Practical experience upon which witness concludes that Scotton Common would be greatly improved by inclosure and warping, *Ross* 306-314—Approval of the land near East Ferry being warped by agreement before it is allotted, *ib.* 316, 316.

3. *Beneficial Effect of Inclosure as regards Population and Employment:*

Large employment expected from inclosure and cultivation, *Caird* 9—Advantage of inclosure of the common as involving increased employment and as attracting population to Scotton, *Leach* 150, 151. 181—Great benefit to the labouring classes and others by inclosing the common, *Durham* 259-261—Effect of inclosure and cultivation in causing increase of population, *Winn* 301, 302.

4. *Conclusions adverse to Regulation in lieu of Inclosure:*

Careful consideration given by witness to the question of regulation of Scotton Common, instead of inclosure; grounds for concluding that regulation would be very unsuitable and disadvantageous as compared with inclosure, *Leach* 59-72. 168—Failure of several attempts already made with a view to regulate the common at Scotton, *ib.* 165. 167.

Belief that no benefit would result from regulating the common or part of it, *Durham* 262-268—Grounds for the conclusion that it is almost impossible to carry out a scheme for the regulation of the common, *Oldham* 321-375—Explanation relative to the rights of the toftstead owners, as being equitable rather than legal rights; obstacle on this score to a regulation scheme, *ib.* 322-334. 349-357—Unwillingness of the owners interested in the common to spend the money required under regulation to convert the land into good pasture, *ib.* 322. 342-349.

Failure of some attempts at regulation already made by owners of common rights; meeting for the purpose in March 1877, when the proposal fell through on account of the difficulty of settling the rights of common, *Oldham* 345. 348. 358-375.

Further evidence as to the disadvantages of regulation in comparison with inclosure, *Oldman* 479-529.

5. *Provision for Recreation Purposes and Garden Allotments:*

Ample provision made for the recreation of the inhabitants, and for field gardens, *Caird* 10—Sufficiency of the provision for recreation purposes; suitable piece of ground reserved for cricket, *Leach* 42, 43. 73-77. 140, 141—Full provision made also for allotment gardens, *ib.* 44, 45.

Limited use now made of the common for purposes of recreation, witness further submitting that sufficient ground will be reserved for this purpose, *Leach* 152-157—Sufficiency of a quarter of an acre as garden ground for each cottager, *ib.* 184.

Proposal in the scheme as to certain land being allotted as garden ground to the population of East Ferry; question as to the warping of this land, *Leach* 214-226—Very little need of recreation ground, *Winn* 303.

6. *Objection raised and Claim made on the part of the Lord of the Manor of Scotter; Reply thereto:*

Claim made and objection raised on the score of title by the lord of the manor of Scotter, this question being reserved for the law courts, *Caird* 11-14.

Objection raised temporarily by Mr. Gravenor Roadley, as lord of the manor of Scotter, who, however, subsequently gave his consent; claim on his part that Scotton is a sub-manor of Scotter, *Leach* 23-33. 46-50—Belief as to the invalidity of the claim now urged

SCOTTON COMMON (LINCOLN)—continued.

6. *Objection raised and Claim made on the part of the Lord of the Manor, &c.*—contd.

urged by the lord of the manor of Scotter, *Leach* 46-49—On two occasions the Commissioners wrote to Mr. Roadley, asking him to state the grounds of his claim; this he said he was unable to do, *ib.* 49—Circumstance of Mr. Roadley having acted for many years as foreman of the jury of Scotton, *ib.*

Rights claimed by Mr. Roadley as lord of the superior manor of Scotter; evidence ready to be produced on his behalf to the effect that Scotton is a sub-manor of Scotter, *Pooley* 532, 533. 547-552. 587-591. 616—Statement as to Mr. Roadley having served as foreman of the jury at Scotton, and having never received any quit-rent or pay as lord paramount, *ib.* 586-591—Pressure under which Mr. Roadley first consented to the inclosure, but without prejudice to his rights, *ib.* 599, 600—Mr. Roadley is, in fact, in a position to prove his claim, and withdraws from the inclosure, *ib.* 613-616.

Further evidence as to the invalidity of the claim of the lord of the manor of Scotter, and that Scotton is a sub-manor of Scotter, *Leach* 582-586. 615—No acknowledgment has been paid by the lord of the manor of Scotton to the lord of the manor of Scotter for 200 years, *ib.* 582—Conclusion that the Provisional Order and the inclosure should be allowed to proceed, the onus being thrown upon Mr. Roadley of proving his case in a court of law, *ib.* 582. 601, 602.

Explanation that witness put no pressure upon Mr. Roadley in order to obtain his consent to the Provisional Order, *Leach* 602—Statement to the effect that even as superior lord, the lord of the manor of Scotter would not necessarily have the ownership of the soil of the warren at Scotton, *ib.* 603-610.

7. *Question raised and Claim made in respect of the Warren; Improvement of this Land if Inclosed:*

Legal question raised whether the warren is part of the common, *Leach* 85-89—Sandy character of the 500 acres comprised in the warren, if not being capable of conversion into arable land; explanation as to witness not having proposed to deal with this area by regulation instead of inclosure, *ib.* 105-120. 169-172—Facility of greatly improving the warren by claying; this would not apply to about ninety acres out of 500, *Durham* 261. 269-272. 279. 293.

Impracticability of converting the warren into good pasturage, whereas a considerable portion of it may be greatly improved by warping or by claying, under an inclosure scheme, *Oldman* 484-491. 506-529—Explanations relative to a certain plan of Scotton common, in which the warren is valued at 4 l. an acre; some portions of the land are, however, much better than others, and the greater part may be converted into arable, *ib.* 506-524.

Dispute as to the ownership of the warren, such dispute being specially reserved in the Provisional Order, *Oldman* 525—Belief that the warren may be maintained after inclosure without injury from the rabbits to the garden allotments, *ib.* 528, 529.

Claim of Mr. Wigglesworth as a commoner, it being contended on his behalf, and that of Mr. Roadley, that Mr. Carnochan has no claim to the freehold of the 500 acres comprised in the warren, and that he bought merely the right of free warren, *Pooley* 537. 547-551. 558-562. 592-598.

Necessity of the claimants of freeholds proving their rights before the valuer, else the lands claimed will be treated as part of the common, *Leach* 543-546. 562-570—Facilities under the inclosure proceedings for settling the question of Mr. Carnochan's claim to the freehold of the warren, *ib.* 556, 557. 570—Claim of Mr. Carnochan to an allotment in respect of the right of free warren in the absence of proof as to ownership of the soil, *ib.* 611-613.

8. *Garden Allotments inclosed from the Waste by the Lord of the Manor: Arrangement proposed in respect thereof:*

Question at issue respecting the title to some garden allotments inclosed from the waste by the lord of the manor, and let to the tenants at a quit-rent of 1 s. per acre; examination as to the mode proposed by the Provisional Order for dealing with these allotments, and as to the effect upon the tenants, *Leach* 100-104. 121-139. 145-148. 158-167. 173-213—Claim by the lord of the manor that the allotments were inclosed by him as private property, *ib.* 100. 124.

Probability of the tenants of the garden allotments having to pay some 25 s. an acre for them under the inclosure scheme, whereas they now pay only 1 s. an acre; security of tenure under inclosure, so that they have not objected, *Leach* 121-139. 203-210. 227-231—Consideration of the claim or right of the lord of the manor to make certain inclosures with the consent of the homage at the manor court, *ib.* 145-148. 174, 175. 180, 181.

Explanation in connection with the proposal for setting out only nineteen acres in
219. allotments,

SCOTTON COMMON (LINCOLN)—continued.

8. *Garden Allotments inclosed from the Waste, &c.*—continued.

allotments, whilst forty-six acres are now let out by the lord of the manor at nominal rents; question hereon as to the probability of the latter arrangement being maintained, *Leach* 158-164. 176-179. 182-213—Distinction drawn between inclosures made from Scotton Common by the lord of the manor more than twenty years ago, and inclosures under twenty years, the former being excluded from the scheme now before the Committee, *ib.* 187-200. 211-213.

Information relative to the garden allotments and the rents paid for them to the steward, on the part of the lord of the manor; claim of the latter to the possessory title to the allotments, *Oldman* 376-401. 431-445—Correction of Mr. Leach's evidence as to the rent paid per acre for the allotments, and as to the quantity, *ib.* 379-381—Improved rents for recent allotments, though the old rents have never been raised; contention of the lord of the manor that he can at any time raise the rents, *ib.* 379. 382-389. 431-437—Inaccuracy of the view that only a quit-rent is paid for the allotments, *ib.* 379. 384-389. 431-445.

Contention by Mr. Wigglesworth that the garden allotments should return to the common in case of inclosure, or should belong to the people to whom they are allotted, *Oldman* 388, 389—Improved position, under the inclosure scheme, of the holders of allotments, as their tenure would be secure; liability otherwise to an increase of rent when there is a new lord of the manor, though the present lord may never adopt this course, *ib.* 414.

Willingness of the lord of the manor (Mr. Carnochan) to consent to an arrangement for letting the gardens at the present rent in perpetuity, whilst nineteen acres should still be reserved for allotments under the inclosure scheme; this offer has been repeatedly made, *Oldman* 410. 414-430—Contemplated modification of the Provisional Order in order to give effect to this arrangement, *ib.* 414, 415. 420-430.

Alternative proposition on the part of Mr. Carnochan to the effect that he will undertake to grant other land to the labouring poor equal in area to the land in dispute, this would be outside the Provisional Order altogether, *Oldman* 474-478—Suggestion that an alteration of the Provisional Order in reference to the objection raised merely by Mr. Wigglesworth need not involve the sending down of the case to the locality for re-consideration by the Commissioners, *ib.* 475.

Explanation that an alteration of the Provisional Order as regards Scotton Common would probably result in the matter being thrown over to another Session, *Leach* 446-448. 461—Question considered whether any alteration of the Provisional Order is really necessary in connection with the offer made on the part of the lord of the manor to let the garden allotments in perpetuity at the present low rents; facility if a legal undertaking to this effect be given to the Committee, *ib.* 449-457. 461-472.

Correction of some former evidence, witness explaining that out of forty-six acres inclosed from the common only twenty-nine acres have been let to the labouring poor at 1 s. an acre, the rest being let at much higher rents, *Leach* 457-460—Necessary alteration of the Provisional Order if the destination of any part of the nineteen acres specified in the Order be altered, *ib.* 470-472—Insufficiency of an arrangement dependent on the will of the lord of the manor to let the allotments in perpetuity at low rents, *ib.* 473.

Further explanation of the proposal of the lord of the manor to grant land in trust, equivalent to the present garden allotments, as a condition of the Provisional Order being confirmed, *Oldman* 730-732.

9. *Objection on the part of Mrs. Meynell-Ingram to the Land being Warped; Reply thereto:*

As land agent to Mrs. Meynell-Ingram, who owns property adjoining Scotton Common, witness objects on her behalf to the proposed inclosure and warping of the common, as the warping will be very injurious to her property, *Tunnicliffe* 617-675—The land of Mrs. Meynell-Ingram is already warped, the water flowing on to Scotton Common; if the latter be raised by warping the water will be back pounded on her estate, greatly to its prejudice, *ib.* 628-675.

Very recent period at which witness became aware of the proposed inclosure, *Tunnicliffe* 658. 709—Grounds for concluding that proper notice of the inclosure scheme has not been given as regards Mrs. Meynell-Ingram, *ib.* 701-729.

Explanation that by certain arrangements for the discharge of the water the land at Scotton Common may be warped without prejudice to Mrs. Meynell-Ingram's land, *Atkinson* 676-688. 698-700.

10. *Reservations to the Lord of the Manor:*

Agreement between the commoners and the lord of the manor as to one-sixteenth in value being given to the latter; the minerals also being reserved to him, *Leach* 98, 99.

11. *Hardwick*

SCOTTON COMMON (LINCOLN)—continued.**11. Hardwick Hill:**

Explanation as to two acres on the top of Hardwick Hill being set aside for recreation, *Leach* 42. 140-144—Prevention by inclosure of the possible conversion of Hardwick Hill into a warren, *ib.* 140-144.

12. Details supplied in Report of Inclosure Commissioners:

Report of the Inclosure Commissioners, dated 31st January 1879, containing sundry details relative to the common, and submitting reasons in favour of its inclosure, as proposed, *App. (Second Rep.)* 117, 118.

13. Provisional Order for Inclosure:

Copy of the Provisional Order for Inclosure of the Common, *App. (Second Rep.)* 118-120.

14. Modifications Proposed by the Committee in the Provisional Order:

Opinion of the Committee that the Provisional Order ought not to be confirmed by Parliament, unless it be modified by the provision of twenty acres for garden allotments in addition to the nineteen acres proposed by the Order, and by the omission of the 500 acres, known as the Warren, from the inclosure, *First Rep.* iii.

Sheffield. See *Lindric Common.* *Maltby Common*, 3.

Simpson, The Rev. James, LL.D. (Analysis of his Evidence.)—Residence of witness for several years in the neighbourhood of East Stainmore Parish; strong feeling in the locality in favour of the inclosure and regulation of the common, 769-774. 780-783. 821—Total of only 144 tenements in the parish, thirty-nine being under 10*l.* a year, 775. 798-801—Very few cottagers, the labourers living chiefly with the farmers, 775-777—Very little arable land held by the farmers in the parish, 778, 779.

Anxiety of the labouring population, as well as the farmers, for inclosure and regulation; constant disputes under the present system of turning out sheep and exercising rights of common, 783-802—Feeling generally in Westmoreland in favour of inclosure rather than regulation of commons, 783-785.

Advantages of the regulation and drainage of portion of East Stanmore Common, as distinct from the inclosure of another portion, 787-821. 827-830—Satisfactory reservation as to roads and footpaths, and as to means of recreation, 815-826—Great improvement if the common were drained; benefit as regards the health of sheep, 827-830.

Sporting Rights. See *Game, Reservation of.*

Stone Green. See *Maltby Common*, 6.

Suburban Commons. Opinion of the Committee that the limits imposed by Clause 8 of the Commons Act might be extended in the case of large manufacturing towns, *Special Rep.* iv.

T.

Tippet, Henry Vivian. (Analysis of his Evidence.)—Is agent for Lord Scarborough, who is lord of the manor of Maltby, 1173, 1174—There are four portions of common land in the parish dealt with by Provisional Order, three of which it is proposed to inclose, 1175-1177—The fourth portion, Woodlee, is proposed to be kept open in perpetuity as recreation ground, 1178-1180.

Swampy character of a large part of Low Common and of Far Common, so that their inclosure and improvement would be a great benefit, 1181, 1182—Unfitness of Stone Green for cultivation, it being proposed by Lord Scarborough to reserve it as a village green, and to build improved cottages in lieu of the wretched habitations now upon it, 1183, 1184. 1195-1215—Beneficial arrangement to be carried out by Lord Scarborough as regards cottagers' gardens, 1185, 1186. 1216-1218.

Picturesque character of Woodlee, which is much resorted to by visitors, whereas Low Common and Far Common are exceedingly uninteresting, and are never frequented by people from Rotherham or Sheffield, 1187-1189. 1193, 1194. 1221, 1222—Explanation that Roche Abbey is private property, and will be kept open as hitherto, 1190-1192—Statement as to Stone Green not being strictly a village green, 1196-1209. 1248-1251.

Decided objection of Lord Scarborough and other common-right owners to consent to a regulation of the common; excessive outlay necessary for drainage, 1219. 1223-1239—Probability of private inclosure by agreement, if the Provisional Order be not approved, 1220—Inducement to drain the land, if inclosed and allotted; cultivation expected before using it as pasture, 1240-1247.

Tunnickliffe, George. (Analysis of his Evidence.)—As land agent to Mrs. Meynell-Ingram, who owns property adjoining Scotton Common, witness objects on her behalf to the
219. E 3 proposed

Tunnicliffe, George. (Analysis of his Evidence)—*continued.*

proposed inclosure and warping of the common, as the warping will be very injurious to her property, 617-675—The land of Mrs. Meynell-Ingram is already warped, the water flowing on to Scotton Common; if the latter be raised by warping, the water will be back-pounded on her estate, greatly to its prejudice, 628-675.

Very recent period at which witness became aware of the proposed inclosure, 658. 709—Grounds for concluding that proper notice of the inclosure scheme has not been given as regards Mrs. Meynell-Ingram, 701-729.

W.

Ward, David. (Analysis of his Evidence.)—Representation by witness, as mayor of Sheffield, of the strong and unanimous objection of the town council to the scheme for the inclosure of Maltby Common, 1252-1257. 1282-1286. 1332-1334—Very large population of Sheffield, whilst there is but very little uninclosed ground within twelve miles of the town, 1258. 1287-1289. 1298. 1325-1331—Grounds for objecting to the inclosure of Low Common and Far Common, though not so much resorted to as Woodlee by people from Sheffield, 1259-1281. 1321-1329.

Advantage to the public if the common were regulated and improved, instead of being partly inclosed, 1290-1293—Explanation that the town council of Sheffield in signing the petition against the inclosure scheme were well aware that it was not intended to inclose Woodlee, 1294-1297—Belief as to there being a strong feeling in Rotherham against the inclosure, 1301-1303.

Willingness of the town of Sheffield to contribute towards the regulation of Maltby Common, rather than that the common should be inclosed, 1305-1320—Expediency of the inclosure scheme not being sanctioned, although it may be legal for the parties interested to carry out inclosure by private arrangement, 1335-1346—Probability of a certain portion of the common, if inclosed, being planted rather than converted into arable, 1346-1348.

Warping (Lincolnshire.) Description of the process of warping as consisting mainly of the admission of tidal water on the ground by means of an open drain; very valuable deposit obtained, *Durham* 237-251—Ordinary charge of twenty guineas an acre for warping, *ib.* 273.

Witness has had some land warped which was valueless, but which is now let for 3 l. an acre, the cost of warping having been twenty-five guineas per acre, *Winn* 297, 298—Increased cost where the land is high, *ib.* 298.

The warping of witness' land cost from 15 l. to 20 l. an acre, *Ross* 314.

Extensive powers of the Court of Sewers as regards warping and draining of the low lands in Lincolnshire; frequency of difficulties between the owners of high lands and the owners of low lands, *Atkinson*, 689-697.

Webster, Crayston. (Analysis of his Evidence.)—Long period for which witness has been in practice at Kendal as a land agent and surveyor; he has inspected East Stainmore Common, and considers it highly desirable it should be inclosed, 762-767—Written statement submitted by witness containing sundry details in connection with the common, and supplying reasons in support of the scheme for its part inclosure and part regulation, 767, 768.

Westmoreland. Feeling generally in Westmoreland in favour of inclosure rather than regulation of commons, *Simpson* 783-785; *Metcalfe* 835, 836.

See also *East Stainmore Common.*

Whittington (Stafford). Application recently received by the Commissioners for the inclosure of certain lands near Whittington, in the county of Stafford, *Caird* 1839, 1840. 1848—Particulars relative to the lands in question, the Hurst comprising about 8½ acres and the marshes about forty-five acres, both being about five miles from the town of Tamworth, *ib.* 1841-1851—Sanitary object in view in enclosing the marshes, whilst it is intended to devote the Hurst chiefly to public uses; sufficient provision as to garden ground, *ib.* 1846, 1847. 1862-1867. 1878-1881.

Reference to the meetings held by the Assistant Commissioners as having been unattended with opposition, save as regards fifteen acres of frontage strips which certain parties were desirous should be included in the inclosure, whilst the adjoining owners objected; delay of the proceedings for a year if these strips had been included, *Caird* 1852-1861. 1868-1877. 1882, 1883.

Good attendance at the meetings held by witness in the matter of the Whittington Inclosure; there was no opposition, but some question was raised with regard to certain roadside strips, *Milman* 1886-1891—Explanations in detail in connection with these strips,

Reports, 1879—continued.

Whittington (Stafford)—continued.

strips, the views of witness in favour of their being allotted or placed under control, and the reasons which induced the Commissioners to exclude them from the inclosure scheme, *Milman* 1891-1900. 1907-1915. 1949, 1950.

Information relative to the lands proposed to be dealt with respectively as garden allotments, and as recreation ground, the residue being inclosed, *Milman* 1915-1920—Statement as to the former village green at Whittington having disappeared, cottages having been built upon it from time to time, *ib.* 1901-1906, 1934-1950—Conclusion as to inclosures having been formerly made in the parish previously to the Inclosure Act, and without proper authority, *ib.* 1921-1949.

Special Report by the Commissioners, dated 20th May 1879, containing information in detail relative to certain waste lands at Whittington, and recommending confirmation by Parliament of the Provisional Order for their inclosure, *App. (Third Rep.)* 9, 10.

Copy of Provisional Order for this inclosure, *App. (Third Rep.)* 10, 11.

The Committee are of opinion that the report certifying the expediency of a Provisional Order for the inclosure of this Common should be confirmed by Parliament without modification, *Third Rep.* iii.

Wiglesworth, Mr. See *Scotton Common*.

Winn, Rowland (Member of the House.) (Analysis of his Evidence.)—Personal experience upon which witness concludes that Scotton Common might, with great advantage, be inclosed, and a portion of it be warped, 294-300—Petition recently received by witness from the locality in favour of the scheme before the Committee, 298—Effect of inclosure and cultivation in causing increase of population, 301, 302—Very little need of recreation ground, 303—Expediency of the allotments being set out before warping takes place, 304, 305.

S P E C I A L
R E P O R T
FROM THE
SELECT COMMITTEE
ON
C O M M O N S ;
WITH THE
PROCEEDINGS OF THE COMMITTEE.

*Ordered, by The House of Commons, to be Printed,
20 May 1879.*

Ordered,—[*Friday, 14th February 1879*]:—THAT a Select Committee be appointed, Six Members to be nominated by the House, and Five by the Committee of Selection, to consider every Report made by the Inclosure Commissioners certifying the expediency of any Provisional Order for the inclosure or regulation of a Common, and presented to the House during the present Session, before a Bill be brought in for the confirmation of such Order.

THAT it be an Instruction to the Committee, that they have power with respect to each such Provisional Order, to inquire and report to the House whether the same should be confirmed by Parliament, and, if so, whether with or without modification; and, in the event of their being of an opinion that the same should not be confirmed, except subject to modifications, to report such modifications accordingly with a view to such Provisional Order being remitted to the Inclosure Commissioners.

Committee nominated—[*Wednesday, 12th March 1879*]:—of:—

Mr. Spencer Walpole.	Mr. Pell.
Mr. Leveson Gower.	Lord Edmond Fitzmaurice.
Sir Walter Barttelot.	Mr. Shaw Lefevre (added 3rd April).
Mr. Fawcett (discharged 3rd April).	

Added by the Committee of Selection—[*Friday, 14th March 1879*]:—

Mr. H. Cowper.	Lord Henry Scott.
Mr. C. B. Denison.	Mr. Arthur Walsh.
Sir William Vernon Harcourt.	

Ordered,—[*Wednesday, 12th March 1879*]:—THAT the Committee have power to send for Persons, Papers, and Records.

THAT Five be the Quorum of the Committee.

Ordered,—[*Thursday, 3rd April 1879*]:—THAT Mr. Fawcett be discharged from further attendance on the Committee.

THAT Mr. Shaw Lefevre be added to the Committee.

Ordered,—[*Monday, 7th April 1879*]:—THAT the Petition of Rosanna Fray, against the Inclosure of certain Lands, be referred to the Committee.

Ordered,—[*Tuesday, 22nd April 1879*]:—THAT the Petition from Kirton in Lindsey and other places, in favour of the Inclosure of Scotton and Ferry Common, be referred to the Committee.

Ordered,—[*Friday, 25th April 1879*]:—THAT the Petitions presented to the House from Maltby, Sheffield, and Rotherham, in reference to the proposed Inclosure of Commons at Maltby, in the County of York, be referred to the Committee.

SPECIAL REPORT	- - - - -	p. iii
PROCEEDINGS OF THE COMMITTEE	- - - - -	p. v

SPECIAL REPORT.

THE SELECT COMMITTEE who were appointed to consider every REPORT made by the INCLOSURE COMMISSIONERS certifying the expediency of any Provisional Order for the Inclosure or Regulation of a COMMON, and presented to the House during the present Session, before a Bill be brought in for the confirmation of such Order, and who were instructed, That they have power with respect to each such Provisional Order, to inquire and report to the House whether the same should be confirmed by Parliament, and, if so, whether with or without modifications; and in the event of their being of opinion that the same should not be confirmed, except subject to modifications, to report such modifications accordingly, with a view to such Provisional Order being remitted to the Inclosure Commissioners;—HAVE considered the matters to them referred, and have agreed to the following SPECIAL REPORT:—

1. YOUR Committee having considered and reported specifically on each and all of the Provisional Orders at present referred to them, have agreed to make the following Report on the several matters hereinafter mentioned, to which they think the attention of the House might advantageously be directed:

2. Your Committee consider that it would for the future be advisable if the reports certifying the expediency of Provisional Orders, intended by the Inclosure Commissioners to be dealt with in any one Session of Parliament, could all be sent into the Home Office not more than fourteen days after the meeting of Parliament. This course would enable the Committee, appointed to inquire into and report upon them, to make their Report to the House at a comparatively early period of the Session, and the risk of any Bill authorising an inclosure reaching the House of Lords too late to be read a second time would thereby be avoided. It would also enable the Inclosure Commissioners, in the event of your Committee recommending that any Provisional Order should be confirmed by Parliament subject to modifications, to make those modifications and obtain the necessary consents to them, in time for the Committee to consider the Provisional Order as proposed to be modified during the same Session in which the modifications had been originally suggested. The modification of a scheme at present entails, almost as a matter of course, the postponement of the final decision of the Committee to the ensuing Session of Parliament.

3. In the case of the Matterdale Inclosure a right of sporting over the lands to be inclosed was reserved to the lord of the manor, concurrently with the owners of the allotments. Your Committee were informed by the Inclosure Commissioners that such a reservation is the exception and is generally objected to by them. It was, however, held to be justified in this particular case by the necessity of obtaining the consent of the lord, who was not much interested in the inclosure, but was more ready to consent if the above reservation was made, especially as his sporting rights could not be taken into account when the valuer made his award under the Inclosure. It was also pointed out that owing to the nature of the country, there was no risk of the reservation being injurious to the allottees, who would besides have the remedy in their own hands if any quantity of game were kept up, the right being simply a concurrent right. Your Committee are of opinion that the Inclosure Commissioners have exercised a sound discretion in rarely giving their consent to such reservations, and con-

[Evidence]
1660-1670.

sider that it might be desirable that the sporting rights of the lord of the manor should be taken into account in ascertaining the value of the rights of the various parties interested in a common proposed to be inclosed, more especially as, under recent legislation, sporting rights are liable to rating.

4. In the case of the inclosure of Maltby Common the main objections came from the inhabitants of Rotherham and Sheffield, the first a town of 32,000 inhabitants, and the latter of 240,000 inhabitants. The corporations of these towns, the one situate slightly more than six miles from the common, and the other distant about 12 miles, having petitioned the House, were allowed a *locus standi* before the Committee to which their petitions had been referred. Had the Commons Act, 1876, passed in the terms in which it was introduced, Maltby Common would have been a suburban common within the meaning of Clause 8 of the Act, and the sanitary authorities of Rotherham could have been represented before the Assistant Commissioner and the Inclosure Commissioners, and could have given an undertaking to contribute out of their funds towards the regulation of the common. It was stated by the Mayor of Sheffield that the town, on whose behalf he appeared, might have been ready to contribute towards the expenses necessary for regulation, if such a regulation could have been agreed upon, there being only one other open common within the same distance from the town. It is the opinion of the Committee that the limits imposed by Clause 8 might be extended in the case of large manufacturing towns.

1147-1160.

5. It was pointed out to the Committee by Mr. Leach, one of the Assistant Commissioners, that if the Provisional Order for inclosing Maltby Common were not accepted by Parliament, there was a possibility of the parties interested coming to terms and inclosing the whole common, and that if that were done the intentions of Parliament for the protection of the rights of the poorer inhabitants, and the health, comfort, and convenience of the neighbourhood would be thereby frustrated; and that persons might arbitrarily inclose common land, on the chance of nobody interfering. It is evident that this condition of the law might materially impair the free action of the Commissioners, and interfere with the intentions of Parliament, if the Commissioners were informed that should they not accept the exact terms proposed by the majority of the parties interested, the inclosure would be carried out in another way without any reference to the Acts of Parliament bearing on the subject.

6. Your Committee have further to add that they think it would be convenient, if it did not materially add to the expense, that a skeleton map of the commons proposed to be regulated or inclosed should be always appended to the Provisional Order, pointing out the situation of such commons, the portion intended to be allotted for cottage gardens or for recreation grounds; and the cities, towns, villages, or populous places near to which the commons are situated.

7. It is stated in the Thirty-fourth Annual Report of the Inclosure Commissioners, that the Provisional Order for the inclosure of Llanfair Hills in the county of Salop, recommended last year for confirmation without modification, and embodied in a Bill which passed the House of Commons, failed to pass the House of Lords. The Bill being petitioned against, the Promoters of the inclosure did not appear to answer the Petition, and the Select Committee of the House of Lords accordingly recommended that the matter should not be further proceeded with. The Inclosure Commissioners have stated to your Committee that the Promoters failed to appear, "through inadvertence," and were still desirous that the Provisional Order should be submitted to Parliament. But your Committee considered that inasmuch as no fresh notices had been given by the Promoters, and the locality had therefore had no opportunity of reconsidering the matter, the Bill of last year must be deemed a dropped Order, and that therefore it would be necessary that the Promoters should take care that the usual notices should be given, and the statutory consents obtained, before they could take any further steps.

20 May 1879.

PROCEEDINGS OF THE COMMITTEE.

Tuesday, 20th May 1879.

MEMBERS PRESENT :

Mr. SPENCER WALPOLE in the Chair.

Lord Edmond Fitzmaurice.
Sir Walter Barttelot.
Mr. Shaw Lefevre.
Mr. Pell.

Lord Henry Scott.
Mr. Arthur Walsh.
Mr. C. B. Denison.

LLANFAIR WATERDINE.

The Report recommending the inclosure of this Common was presented in 1878, but the Bill for confirming it was rejected by the House of Lords. The Report was again presented to Parliament this year.

The Committee declined to consider the Report, inasmuch as the preliminary steps prescribed by the Commons Act, 1876, had not been again taken since the rejection of the confirming Bill in 1878.

DRAFT REPORT proposed by Lord *Edmond Fitzmaurice*, read the 1st time, as follows :—

“ 1. YOUR Committee having considered and reported specifically on each and all of the Provisional Orders at present referred to them, have agreed to make the following Report on the several matters hereinafter mentioned, to which they think the attention of the House might advantageously be directed :

“ 2. Your Committee consider that it would for the future be advisable if the reports certifying the expediency of Provisional Orders, intended by the Inclosure Commissioners to be dealt with in any one Session of Parliament, could all be sent into the Home Office not more than fourteen days after the meeting of Parliament. This course would enable the Committee, appointed to inquire into and report upon them, to make their Report to the House at a comparatively early period of the Session, and the risk of any Bill authorising an inclosure reaching the House of Lords too late to be read a second time would thereby be avoided. It would also enable the Inclosure Commissioners, in the event of your Committee recommending that any Provisional Order should be confirmed by Parliament subject to modifications, to make those modifications and obtain the necessary consents to them, in time for the Committee to consider the Provisional Order as proposed to be modified during the same Session in which the modifications had been originally suggested. The modification of a scheme at present entails, almost as a matter of course, the postponement of the final decision of the Committee to the ensuing Session of Parliament.

“ 3. In the case of the Matterdale Inclosure a right of sporting over the lands to be inclosed was reserved to the lord of the manor, concurrently with the owners of the allotments. Your Committee were informed by the Inclosure Commissioners that such a reservation is the exception and is generally objected to by them. It was, however, held to be justified in this particular case by the necessity of obtaining the consent of the lord, who was not much interested in the inclosure, but was more ready to consent if the above reservation was made, especially as his sporting rights could not be taken into account when the valuer made his award under the Inclosure. It was also pointed out that owing to the nature of the country, there was no risk of the reservation being injurious to the allottees, who would besides have the remedy in their own hands if any quantity of game were kept up, the right being simply a concurrent right. Your Committee are of opinion that the Inclosure Commissioners have exercised a sound discretion in rarely giving their consent to such reservations, and consider that it might be desirable that the sporting rights of the lord of the manor should be taken into account in ascertaining the value of the rights of the various parties interested in a common proposed to be inclosed, more especially as, under recent legislation, sporting rights are liable to rating.

“ 4. In the case of the inclosure of Maltby Common the main objections came from the inhabitants of Rotherham and Sheffield, the first a town of 32,000 inhabitants, and the latter of 240,000 inhabitants. The corporations of these towns, the one situate slightly more than six miles from the common, and the other distant about 12 miles, but with easy access to it both by road and rail, having petitioned the House, were allowed a *locus*

[Evidence]
1660-1670.

stundi before the Committee to which their petitions had been referred. Had the Commons Act, 1876, passed in the terms in which it was introduced, Maltby Common would have been a suburban common within the meaning of Clause 8 of the Act, and the sanitary authorities of Rotherham could have been represented before the Assistant Commissioner and the Inclosure Commissioners, and could have given an undertaking to contribute out of their funds towards the regulation of the common. It was stated by the Mayor of Sheffield that the town, on whose behalf he appeared, would have been ready to contribute towards the expenses necessary for regulation, if such a regulation could have been agreed upon, there being only one other open common within the same distance from the town. Your Committee may observe that under a recent private Act the Corporation of London is entitled to contribute towards the maintenance of any common within 25 miles of the metropolis, and they think that some such provision might be advantageously introduced into the Inclosure Acts, when the commons are situate within a convenient distance of large manufacturing towns.

1147-1160.

"5. It was pointed out to the Committee by Mr. Leach, one of the Assistant Commissioners, that if the Provisional Order for inclosing Maltby Common were not accepted by Parliament, there was a great probability of the parties interested coming to terms and inclosing the whole common, and that if that were done, the intentions of Parliament for the protection of the rights of the poorer inhabitants, and the health, comfort, and convenience of the neighbourhood would be thereby frustrated; and that there was also undoubtedly nothing in the present state of the law to prevent a person from arbitrarily inclosing common land, on the chance of nobody interfering. It is evident that this condition of the law might materially impair the free action of the Commissioners, and interfere with the intentions of Parliament, if the Commissioners were informed that should they not accept the exact terms proposed by the majority of the parties interested, the inclosure would be carried out in another way, without any reference to the Acts of Parliament bearing on the subject.

"6. Your Committee have further to add that they think it would be convenient, if it did not materially add to the expense, that a skeleton map of the commons proposed to be regulated or inclosed should be always appended to the Provisional Order, pointing out the situation of such commons, the portion intended to be allotted for cottage gardens or for recreation grounds; and the cities, towns, villages, or populous places near to which the commons are situated.

"7. Your Committee desire to point out that, under the 26th clause of the Commons Act, the Trustees of any land appropriated for garden allotments for the labouring people are bound to let such land at a fair agricultural rent, and not less. In the case of Scotton Common, it appeared that it had been the custom for many years past to let out about 26 acres to the labouring people of the village, in allotments, some of which was let for less than the agricultural rent. The Provisional Order proposed to secure 19 acres to the labouring people, and the result of the arrangement would have been that the tenants would, after inclosure, have had to pay the fair agricultural rent. Your Committee are of opinion that an amendment of the Commons Act is required, in order to meet such exceptional cases, and to enable the Trustees of such allotments to let the land at less than the agricultural value.

"8. It is stated in the Thirty-fourth Annual Report of the Inclosure Commissioners, that the Provisional Order for the inclosure of Llanfair Hills, in the county of Salop, recommended last year for confirmation without modification, and embodied in a Bill which passed the House of Commons, failed to pass the House of Lords. The Bill being petitioned against, the promoters of the inclosure did not appear to answer the Petition, and the Select Committee of the House of Lords accordingly recommended that the matter should not be further proceeded with. The Inclosure Commissioners have stated to your Committee that the promoters failed to appear, 'through inadvertence,' and were still desirous that the Provisional Order should be submitted to Parliament. But your Committee considered that inasmuch as no fresh notices had been given by the promoters, and the locality had therefore had no opportunity of reconsidering the matter, the Bill of last year must be deemed a dropped Order, and that therefore it would be necessary that the promoters should take care that the usual notices should be given, and the statutory consents obtained, before they could take any further steps."

DRAFT REPORT read a second time, paragraph by paragraph.

Paragraphs 1, 2, and 3, *agreed to*.

Paragraph 4.—Amendment proposed, to leave out from the word "Had," in line 6, to the word "Common," in line 11, inclusive—(Sir Walter Barttelot).—Question put, That the words "Had the Commons Act, 1876," stand part of the paragraph.—The Committee divided:

Ayes, 3.

Lord Edmond Fitzmaurice.
Lord Henry Scott.
Mr. Shaw Lefevre.

Noes, 2.

Sir Walter Barttelot.
Mr. Pell.

Another

Another Amendment proposed, to leave out from the word "town," in line 15, to the end of the paragraph—(Mr. *Pell*).—Question put, That the words "your Committee may observe that," stand part of the paragraph.—The Committee divided:

Ayes, 2.		Noes, 4.	
Lord Edmond Fitzmaurice.		Sir Walter Barttelot.	
Mr. Shaw Lefevre.		Mr. Pell.	
		Lord Henry Scott.	
		Mr. Arthur Walsh.	

Another Amendment proposed, at the end of the paragraph, to add the words, "It is the opinion of the Committee that the limits imposed by Clause 8 might be advantageously extended in the case of large manufacturing towns"—(Lord *Henry Scott*).

Question proposed, "That those words be there added":—Whereupon Amendment proposed, to the said proposed Amendment, by leaving out the word "advantageously" in line 2—(Sir *Walter Barttelot*).

Question put, That the word "advantageously" stand part of the proposed Amendment.—The Committee divided:

Ayes, 3.		Noes, 4.	
Mr. Shaw Lefevre.		Sir Walter Barttelot.	
Lord Henry Scott.		Mr. Pell.	
Lord Edmond Fitzmaurice.		Mr. Arthur Walsh.	
		Mr. C. B. Denison.	

Amendment, as amended, *added*.—Question put, That this paragraph, as amended, stand part of the proposed Report.—The Committee divided:

Ayes, 5.		Noe, 1.	
Sir Walter Barttelot.		Mr. Arthur Walsh.	
Lord Edmond Fitzmaurice.			
Mr. C. B. Denison.			
Lord Henry Scott.			
Mr. Shaw Lefevre.			

Paragraph 5, amended, and *agreed to*.

Paragraph 6, *agreed to*.

Paragraph 7.—Amendment proposed, at the end of the paragraph, to add the words, "On condition that no person holding such land receive poor relief"—(Lord *Edmond Fitzmaurice*).—Question, That those words be there added,—put, and *agreed to*.—Question put, That this paragraph, as amended, stand part of the proposed Report.—The Committee divided:

Ayes, 2.		Noes, 4.	
Lord Edmond Fitzmaurice.		Sir Walter Barttelot.	
Mr. Shaw Lefevre.		Mr. Pell.	
		Lord Henry Scott.	
		Mr. Arthur Walsh.	

Paragraph 8, *agreed to*.

Question, "That this Report, as amended, be the Special Report of the Committee to the House"—put, and *agreed to*.

Ordered, To Report.

SPECIAL
REPORT

FROM THE

SELECT COMMITTEE

ON

COMMONS;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

*Ordered, by The House of Commons, to be Printed,
20 May 1879.*

198.

Under 1 os.

R E P O R T
FROM THE
SELECT COMMITTEE
ON THE
CONTAGIOUS DISEASES ACTS;
TOGETHER WITH THE
PROCEEDINGS OF THE COMMITTEE,
MINUTES OF EVIDENCE,
AND APPENDIX.

*Ordered, by The House of Commons, to be Printed,
30 July 1879.*

Ordered,—[*Wednesday, 11th June 1879*]:—THAT a Select Committee be appointed to inquire into the CONTAGIOUS DISEASES ACTS, 1866—1869, their Administration, Operation, and Effect.

Committee nominated of—

Mr. Cavendish Bentinck.
Mr. Stansfeld.
Colonel Alexander.
Sir Harcourt Johnstone.
Viscount Crichton.

Mr. Shaw Lefevre.
General Shute.
Mr. Burt.
Mr. Bulwer.
Mr. O'Shaughnessy.

And Five Members to be nominated by the Committee of Selection.

THAT the Committee have power to send for Persons, Papers, and Records.

THAT Five be the Quorum of the Committee.

THAT all Reports and Returns thereto relating be referred to the Committee.

THAT it be an Instruction to the Committee, that they have power to receive Evidence which may be tendered concerning similar systems in British Colonies, or in other Countries, and to Report whether the said Contagious Diseases Acts should be maintained, extended, amended, or repealed.

Committee of Selection,—[*Friday, 13th June 1879*]:—The following Members are added to the Select Committee:

Mr. Goschen.
Sir Henry Holland.
Mr. Kavanagh.

Mr. Ernest Noel.
Mr. John Tremayne.

Committee of Selection,—[*Friday, 20th June 1879*]:—Mr. Goschen was discharged from attendance on the Committee, and Mr. Massey was added to the Committee.

REPORT	- - - - -	p. iii
PROCEEDINGS OF THE COMMITTEE	- - - - -	p. iv
MINUTES OF EVIDENCE	- - - - -	p. 1
APPENDIX	- - - - -	p. 153

R E P O R T.

THE SELECT COMMITTEE appointed to inquire into the **CONTAGIOUS DISEASES ACTS, 1866—1869**, their Administration, Operation, and Effect; and who were instructed, That they have power to receive Evidence which may be tendered concerning similar systems in British Colonies, or in other Countries, and to Report whether the said **CONTAGIOUS DISEASES ACTS** should be maintained, extended, amended, or repealed;—**HAVE** agreed to the following **REPORT** :

YOUR COMMITTEE have partly considered the subject referred to them, but have not been able to complete the inquiry. They have resolved to report the Evidence already taken, and to recommend the re-appointment of the Committee in the following Session.

30 July 1879.

PROCEEDINGS OF THE COMMITTEE.

Thursday, 26th June 1879.

MEMBERS PRESENT :

Colonel Alexander. Mr. O'Shaughnessy. Sir Harcourt Johnstone. Mr. Ernest Noel. Mr. Shaw Lefevre. Mr. Cavendish Bentinck. Mr. Massey.		Mr. Kavanagh. Mr. Stansfeld. General Shute. Mr. John Tremayne. Sir Henry Holland. Viscount Crichton. Mr. Bulwer.
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Mr. MASSEY was called to the Chair.

The Committee deliberated.

[Adjourned till Monday next, at Half-past One o'clock.]

Monday, 30th June 1879.

MEMBERS PRESENT :

Mr. MASSEY in the Chair.

Mr. Bulwer. Viscount Crichton. Sir Henry Holland. Mr. John Tremayne. Mr. Stansfeld. Mr. Kavanagh. Mr. Cavendish Bentinck.		Mr. Shaw Lefevre. Mr. Ernest Noel. Sir Harcourt Johnstone. Mr. O'Shaughnessy. Colonel Alexander. Mr. Burt.
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The Committee deliberated.

[Adjourned till Friday next, at Twelve o'clock.]

Friday, 4th July 1879.

MEMBERS PRESENT :

Mr MASSEY in the Chair.

Colonel Alexander. Mr. Bulwer. Mr. Shaw Lefevre. Viscount Crichton. Sir Henry Holland. Mr. Kavanagh.		General Shute. Mr. John Tremayne. Mr. Stansfeld. Mr. Ernest Noel. Mr. Cavendish Bentinck.
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Sir William Muir was examined.

[Adjourned till Thursday next, at Twelve o'clock.]

Thursday, 10th July 1879.

MEMBERS PRESENT:

Mr MASSEY in the Chair.

Colonel Alexander.	Mr. Kavanagh.
Mr. O'Shaughnessy.	General Shute.
Mr. Burt.	Mr. John Tremayne.
Mr. Ernest Noel.	Viscount Crichton.
Sir Harcourt Johnstone.	Mr. Stansfeld.
Mr. Shaw Lefevre.	Sir Henry Holland.
Mr. Cavendish Bentinck.	Mr. Bulwer.

Surgeon General *Lawson* was examined.

[Adjourned till Wednesday next, at Twelve o'clock.]

Wednesday, 16th July 1879.

MEMBERS PRESENT:

Mr. MASSEY in the Chair.

Colonel Alexander.	Mr. Cavendish Bentinck.
Mr. O'Shaughnessy.	Sir Henry Holland.
Mr. Ernest Noel.	Mr. Kavanagh.
Sir Harcourt Johnstone.	Mr. John Tremayne.
Mr. Shaw Lefevre.	Viscount Crichton.

Surgeon General *Lawson* was further examined.

Dr. *John Coleman Barr* was examined.

[Adjourned till Monday next, at Twelve o'clock.]

Monday, 21st July 1879.

MEMBERS PRESENT:

Mr. MASSEY in the Chair.

Colonel Alexander.	General Shute.
Mr. Burt.	Mr. Bulwer.
Mr. Ernest Noel.	Mr. John Tremayne.
Sir Harcourt Johnstone.	Mr. Stansfeld.
Mr. Shaw Lefevre.	Mr. O'Shaughnessy.
Mr. Cavendish Bentinck.	Sir Henry Holland.
Mr. Kavanagh.	

Dr. *John Coleman Barr* was further examined.

[Adjourned till Thursday next, at Twelve o'clock.]

Thursday, 24th July 1879.

MEMBERS PRESENT:

Mr. CAVENDISH BENTINCK in the Chair.

Colonel Alexander.	Mr. Kavanagh.
Mr. O'Shaughnessy.	General Shute.
Mr. Burt.	Mr. John Tremayne.
Sir Harcourt Johnstone.	Mr. Stansfeld.
Mr. Shaw Lefevre.	

Dr. *John Coleman Barr* was further examined.

Surgeon Major *Frederick Robinson* was examined.

[Adjourned till Monday next, at Twelve o'clock.]

Monday, 28th July 1879.

MEMBERS PRESENT:

Mr. MASSEY in the Chair.

Colonel Alexander.	General Shute.
Mr. O'Shaughnessy.	Viscount Crichton.
Mr. Ernest Noel.	Mr. John Tremayne.
Sir Harcourt Johnstone.	Mr. Stansfeld.
Mr. Shaw Lefevre.	Mr. Cavendish Bentinck.
Mr. Kavanagh.	Sir Henry Holland.

Surgeon Major *Frederick Robinson* was further examined.

[Adjourned till Wednesday next, at Twelve o'clock.

Wednesday, 30th July 1879.

MEMBERS PRESENT:

Mr. MASSEY in the Chair.

Colonel Alexander.	Mr. John Tremayne.
Mr. Burt.	Mr. Stansfeld.
Sir Harcourt Johnstone.	Viscount Crichton.
Mr. Cavendish Bentinck.	Mr. Shaw Lefevre.
Mr. Kavanagh.	General Shute.

Mr. *Arthur B. R. Myers* and Mr. *Thomas Bond* were examined.

The Committee deliberated.

DRAFT REPORT, proposed by the *Chairman*, read the first and second time, and agreed to.

Ordered, To Report, together with the Minutes of the Evidence, and an Appendix.

EXPENSES OF WITNESSES.

NAME OF WITNESS.	Profession or Condition.	From whence Summoned.	Number of Days Absent from Home, under Orders of Committee.	Allowance during Absence from Home.	Expenses of Journey to London and back.	TOTAL Expenses allowed to Witness.
				£. s. d.	£. s. d.	£. s. d.
Dr. J. C. Barr - -	Physician - -	Aldershot - -	4	4 4 -	3 - -	7 4 -
Dr. Arthur Myers -	Surgeon (Cold- stream Guards).	Upper Caterham -	4	4 4 -	2 - -	6 4 -
				TOTAL -	- - £.	13 8 -

MINUTES OF EVIDENCE.

LIST OF WITNESSES.

Friday, 4th July 1879.

Sir William Mure Muir, M.D., K.C.B.	- - - - -	PAGE 1
-------------------------------------	-----------	-----------

Thursday, 10th July 1879.

Mr. Robert Lawson	- - - - -	16
-------------------	-----------	----

Wednesday, 16th July 1879.

Mr. Robert Lawson	- - - - -	37
Mr. John Coleman Barr, M.D.	- - - - -	50

Monday, 21st July 1879.

Mr. John Coleman Barr, M.D.	- - - - -	60
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Thursday, 24th July 1879.

Mr. John Coleman Barr, M.D.	- - - - -	81
Surgeon-Major Frederick Robinson, M.D., F.R.C.P.	- - - - -	99

Monday, 28th July 1879.

Surgeon-Major Frederick Robinson, M.D., F.R.C.P.	- - - - -	101
--	-----------	-----

Wednesday, 30th July 1879.

Mr. Arthur B. R. Myres, M.R.C.S.L.	- - - - -	122
Mr. Thomas Bond, F.R.C.S.	- - - - -	148

MINUTES OF EVIDENCE.

Friday, 4th July 1879.

MEMBERS PRESENT:

Colonel Alexander.
Mr. Cavendish Bentinck.
Mr. Bulwer.
Viscount Crichton.
Sir Henry Holland.
Mr. Kavanagh.

Mr. Shaw Lefevre.
Mr. Massey.
Mr. Ernest Noel.
General Shute.
Mr. Stansfeld.
Mr. John Tremayne.

THE RIGHT HONOURABLE W. N. MASSEY, IN THE CHAIR.

Sir WILLIAM MURE MUIR, M.D., K.C.B., was called in ; and Examined.

Chairman.

1. WHAT office do you hold in the Army Medical Department?—I am Director General of the Army Medical Department.

2. What are your duties in that capacity?—To direct the department all over the world.

3. Do you have returns made to you?—I have returns made to me; I have three branches in the office, the Statistical, the Medical, and the Sanitary; I have a general supervision over those.

4. And the details are distributed amongst the different branches of your department?—Entirely.

5. With reference to the returns under the Contagious Diseases Acts, are they regularly made to your department?—They are regularly made.

6. And you put those returns before Parliament annually?—Yes, I do.

7. Have you, individually, any mode of verifying the accuracy of the returns which are made to you?—Not individually; but I have perfect confidence in the officers who make them.

8. You rely upon the officers making the returns?—Yes; they are appointed by the Secretary of State for War for the purpose; they are selected men.

9. Have you been specially conversant with this disease?—No; except when I was a young man, as an executive officer in charge of a regiment; not of late years.

10. Have you been an army surgeon?—Yes, I have been.

11. And in that capacity, as an army surgeon, have you had professionally to treat the disease?—Yes.

O.116.

Chairman—continued.

12. At what period did you cease to be connected with the army as a practical surgeon?—1858; 21 years ago.

13. In 1858, or about that time, had the attention of the medical officers of the army, or the Government, been drawn to the condition of Her Majesty's forces with respect to this disease?—Not in a special way; there was a general remark that the disease was very prevalent, but no steps were taken at that time in the matter, as far as I know.

14. Had there been any marked increase or decrease in the disease in the army at this period of 1858 as compared with former periods?—I think not; but to answer a question of that sort, one would almost require to be specially prepared; it can be obtained, and if you will allow me, I will send in a return upon that point.

15. Then I will take you to the year 1864, when there was for the first time legislation upon this subject; the first Act was in 1864, was it not?—Yes.

16. At that period, are you prepared to say whether there had been a decrease in the more serious form of the disease, as far as the army was concerned?—I think not at that time.

17. At any period before the year 1866, was there any important diminution in the disease?—I find from a return that I hold in my hand that in 1860 the ratio per 1,000 of the strength admitted for primary venereal sores was 146, and in 1861 it was 142.

18. Are you reading now from a return?—Yes; a return of 14 stations brought under the Act.

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Sir W. M.
Muir, M.D.,
K.C.B.

4 July 1879.

19. It

Sir W. M.
Muir, M.D.,
K.C.B.

4 July 1879.

Chairman—continued.

19. It is a return of the proportion of diseased men per 1,000?—Diseased men in the 14 stations that came afterwards under the Act.

20. In 1860, what do you say was the ratio of disease?—The ratio was 146 per 1,000.

21. Is that of syphilis, or gonorrhœa and syphilis?—That is of primary venereal sores; the return for gonorrhœa is 139; in 1861, in the same stations, the average per 1,000 was 142 of syphilis, primary sores, and 139 of gonorrhœa.

22. In 1862, what was the ratio?—In 1862, it was 117 per 1,000 of primary sores, and 139 of gonorrhœa; in 1863, 107 of primary sores, and 120 of gonorrhœa. The average from 1860 to 1863 is 130 of primary sores, and 135 of gonorrhœa, in those districts that came afterwards under the Act.

23. In the figures you give, there appears to have been a marked decrease in the more serious form of the disease in 1862 and 1863; can you account for that in any way?—No, I do not know that I can account for it, except the general fluctuation that we find in all diseases taken for a certain time.

24. Was there anything in the condition of the army which would account for it?—I can hardly recall anything.

25. Up to what date are the returns made?—They are made up annually.

26. At the end of the year?—At the end of the year.

27. The Act of 1864, I think, did not come into operation until October?—Not until October; so that the effect in that year is only partial.

28. And probably the Act of 1864 was so partially applied that its influence would be hardly appreciable during the year 1864?—That is so; there was only a fall of five per 1,000. In 1865 the ratio per 1,000 of primary sores is 95, and of gonorrhœa 115; in 1866, 87 of primary sores and 116 of gonorrhœa; in 1867, 91 of primary sores and 132 of gonorrhœa; in 1868, 83 of primary sores and 133 of gonorrhœa; in 1869, 66 of primary sores and 106 of gonorrhœa. Then going on to 1870, 55 of primary sores and 98 of gonorrhœa; in 1871, 51 of primary sores and 116 of gonorrhœa; in 1872, 54 of primary sores and 104 of gonorrhœa; in 1873, 50 of primary sores and 82 of gonorrhœa; in 1874, 42 of primary sores and 62 of gonorrhœa; in 1875, 35 of primary sores and 58 of gonorrhœa; in 1876, 33 of primary sores and 68 of gonorrhœa; in 1877, 35 of primary sores and 68 of gonorrhœa; in 1878, 40 of primary sores and 78 of gonorrhœa; that is the latest return that we have; we have nothing later than that.

Mr. Stansfeld.

29. In 1878 there was a rise of from 35 to 40 of primary sores?—Yes.

30. And there is also in that year a rise of 10 of gonorrhœa?—Yes.

Chairman.

31. How are these returns compiled?—They are compiled by Dr. Collins, from the returns which we get from the stations.

32. Every visiting surgeon at every certified hospital makes a return to your department?—Every medical officer in charge of an army hospital makes a return weekly and annually of the cases of sickness. On Friday night, at 10 o'clock, they are made up and returned on Saturday morning.

Chairman—continued.

33. In what year did that regular return commence?—About 1860, after Lord Herbert's Commission, which was in 1859.

34. Up to 1866 there was no visiting surgeon, I think, at the certified hospitals; there were only ordinary surgeons at the hospital to make these returns?—They are made up by the surgeon in charge; the inspecting officer has nothing to do with them except to verify them for the district; they are sent on to my office in London. They go through the principal medical officers of the military districts, and come on to head-quarters. Then there are 14 more stations not under the Act, arranged in the same way as those that I have read.

35. What are those 14 stations; are they military stations or naval stations?—Military stations.

36. Which stations are not now included under the Act?—No.

37. Have you any returns from those stations?—I have the returns from them as well as from the others.

38. From what authority?—From the surgeons in charge; each station hospital sends in the returns the same as those in the protected districts; and I have them arranged here to show the contrast.

39. You may begin with 1864?—In 1864, the ratio per thousand of the strength, primary venereal sores in the non-protected districts, was 111, and of gonorrhœa 110; in 1865, 101 of primary sores and 140 of gonorrhœa; in 1866, 79 of primary sores and 114 of gonorrhœa; in 1867, 115 of primary sores and 130 of gonorrhœa; in 1868, 109 of primary sores and 115 of gonorrhœa; in 1869, 128 of primary sores and 105 of gonorrhœa; in 1870, 113 of primary sores and 96 of gonorrhœa; in 1871, 93 of primary sores and 107 of gonorrhœa; in 1872, 123 of primary sores and 106 of gonorrhœa; in 1873, 102 of primary sores and 95 of gonorrhœa; in 1874, 88 of primary sores and 77 of gonorrhœa; in 1875, 79 of primary sores and 72 of gonorrhœa; in 1876, 82 of primary sores and 89 of gonorrhœa; in 1877, 91 of primary sores and 117 of gonorrhœa; in 1878, 131 of primary sores and 121 of gonorrhœa. The men constantly in hospital with primary venereal sores, which is a very important question, for the same periods, beginning in 1870; this is from the protected districts in the first instance. In 1870, the ratio per thousand of the strength was 4·46; in 1871, it was 3·89; in 1872, it was 4·56; in 1873, it was 4·45; in 1874, it was 3·11; in 1875, it was 2·66; in 1876 it was 2·47; in 1877, it was 2·61; in 1878, it was 3·14. Now in the districts not under the Act, the ratio per thousand of the strength in 1870 was 9·74; in 1871, it was 8·07; in 1872, it was 11·29; in 1873, it was 8·86; in 1874, it was 6·89; in 1875, it was 5·88; in 1876, it was 5·94; in 1877, it was 6·23; and in 1878, it was 8·80.

Mr. Stansfeld.

40. In the subjected stations, what was it in 1878?—3·14.

41. That is a rise from the previous year; in the previous year it was 2·61?—Yes, that is so.

Sir Henry Holland.

42. Is that constantly in hospital from primary sores and gonorrhœa taken together, or separately?—These are primary sores only.

Chairman.

43. Are the returns of the women admitted to the hospital furnished to your department?—All women and children; there is very little venereal disease amongst the women of the regiments.

44. I do not refer to them, but to women generally?—I have no cognisance of those.

45. You have no return of the number of women who have been subjected to treatment under the Acts?—No, I know nothing of the women under the Acts.

46. Is there any other point upon which you would desire to furnish information to the Committee?—I think these are the most material points. I might read the deductions, if you will allow me, and the inferences drawn from these figures. These inferences are drawn by the statistical officers.

47. The returns that you have in your hand are the returns that you make to Parliament?—These will be presented to Parliament in due time. These inferences are supposed to be drawn by the statistical officers: "For the four years (1860-63) preceding that in which the first Contagious Diseases Act was passed, the average rate of prevalence of primary venereal sores at a group of stations, each of which was successively placed under the Act, is 130, and that for gonorrhœa is 135 per 1,000 of the strength. At another group of 14 stations (originally selected for comparison, because at the time the stations comprised in it were large ones, that is, had not less than 500 men) the rate of prevalence of primary venereal sores is 116, and that for gonorrhœa is 129 per 1,000 of the strength. In the next period shown (1864-69) the Act was applied successively at each of the stations in the subjected group; in 1865 it was in operation at three stations, in 1866 at four, in 1867 at five, in 1868 at eight, in 1869 at 10, in 1870 it was in operation at all the 14 stations. During this period the average rate of prevalence of primary venereal sores fell to 87 per 1,000 of the strength in the subjected group; in the contrasted group of large stations it fell to 108 per 1,000 of the strength. The result, therefore, is that the subjected group of stations which, before the application of the Act, had a rate of prevalence 14 per 1,000 higher than the unsubjected group for the period of its partial application, has a rate of prevalence 21 per 1,000 lower than that of the unsubjected group. In the third period shown (1870-78) the Act was in force for the whole time at every one of the stations in the subjected group, and the average rate of prevalence of the disease fell to 44 per 1,000 men, an average rate identical with that for the period 1870 to 1877; at the unsubjected group the rate fell to 101 per 1,000 men, an average rate higher, however, by four per 1,000 men than that for the period from 1870 to 1877. The rate of prevalence of gonorrhœa in the first years of the application of the Act did not materially differ in the two groups of stations; in the last years, however, the results are favourable for the subjected group, the rate of which, in 1878, is more than a third lower than that of the unsubjected one."

48. The papers which you hold in your hand are the materials for the return which you will shortly make to Parliament for this year?—Yes, for this year.

49. And you have made similar returns to Parliament in former years?—I have.

O.116.

Chairman—continued.

50. Will you put in that Return?—I will put it in. I can furnish you with this before it goes to Parliament.

51. You may put it in as part of your evidence?—I will do so. (*The Return was delivered in.*) 4 July 1879.

52. Generally speaking, what is the character of the deductions which you draw from those figures?—The deductions which I draw from the figures is that the Act has been most useful in decreasing the cases of primary syphilis; and also gonorrhœa, although to a smaller extent, in the stations protected.

Mr. Shaw Lefevre.

53. Have you any return showing the number of men ill per diem?—Yes, I have read the number of men constantly in hospital in protected and unprotected districts, I have read out the ratio per 1,000; that is founded upon the men constantly in hospital taken from the returns.

54. That was merely a return of primary venereal sores; have you also got it for gonorrhœa?—It is not given here, but we can get it.

55. You can lay that before the Committee also?—Yes, certainly. It will take a little time to prepare it.

56. You omit all reference to secondary syphilis?—There is no reference made here to secondary syphilis, but we can furnish information upon that point also.

57. Does that also show a diminution or not?—Yes, there is a diminution there too.

58. In the same proportion, or what?—We had no notice of this examination; therefore there were no returns prepared; but I have here a return, showing the strength and ratio per 1,000 of constitutional syphilis for each year from 1859 to 1877, inclusive, taken from annual Reports of the Army Medical Department, United Kingdom, by arms of the service. The years are given; the strength of corps at home is given, and the ratio per 1,000 of strength. In the first year, 1859, it was 35·86 per 1,000; and that has gone down to 26·64 in 1878; that is the ratio per 1,000.

59. Have you made any estimate as to what is the saving per actual force in the army in consequence of these Acts?—In the year 1875, I wrote to the Secretary of State as follows: "To put this in another way, if the same measure of success had been obtained at both groups of stations, about 190 soldiers more than there would have been in the ranks instead of in hospital every day, taking no account of any additional saving effected in the avoidance of the secondary form of syphilis." (*See Explanatory Note, p. 15.*)

60. In your opinion, is that the extreme limit of the saving effected to the force by these Acts?—That is up to 1875. I have not brought it down to the present day. (*See Explanatory Note, p. 15.*)

61. Up to 1875, that was the extreme limit of the success produced by these Acts?—Yes. (*See Explanatory Note, p. 15.*)

62. That is to say, an addition of 190 men to the force of the army per day?—Yes. (*See Explanatory Note, p. 15.*)

63. That is for the whole army, I presume?—Yes, the whole army in the United Kingdom; we are only dealing with the troops at home. (*See Explanatory Note, p. 15.*)

A 2

64. What

Sir W. M.
Muir, M.D.,
K.C.B.

Sir W. M.
Muir, M.D.,
K.C.B.

4 July 1879.

Mr. Shaw Lefevre—continued.

64. What is the average number of men in the United Kingdom?—I think about 75,000 men.

65. Can you give it later?—I can get it worked out down to the present day.

66. Can you show the saving separately in the same way for venereal sores and gonorrhœa?—Yes.

67. Can you say what the saving is in respect to gonorrhœa cases?—Yes, we can do that.

68. In the actual number of men?—The actual number of men kept to duty, and saved from being in hospital.

69. Is there any other cause for the reduction in the number of cases of gonorrhœa that has taken place of late years?—I do not know any other cause. There is one thing that I ought to mention, namely, that in the year 1873, a regulation was published, whereby men taken into hospital for syphilis, primary sores, or gonorrhœa, had the whole of their pay stopped, and the effect is, that the men try and conceal their complaint; and that accounts, too, for the rise of late years in the number of cases of constitutional syphilis; these men will not come into hospital if they can possibly avoid it; they will sooner go to an apothecary or druggist outside and get medicine; it is very questionable whether this was not a most injudicious regulation.

70. We may take it, may we not, that since the year 1873 the statistics as regards gonorrhœa, are not reliable?—They are not so reliable as they were before.

71. If the figures in respect of the stations under the Act show a reduction since the year 1873, may it not be due to this regulation which you have spoken of?—It may be to a certain extent; but it affects both sides, both the protected and the unprotected.

General Shute.

72. Was not there before 1873 a similar regulation?—I think that it was in 1873.

73. Was not there a regulation before that?—You cannot stop a man's pay without authority.

Mr. Shaw Lefevre.

74. Let me call attention to the return that you have given us, showing the number of gonorrhœa cases in stations under the Act; it appears from that return, that from the year 1860 to 1868, there is practically no diminution at all; and very little diminution until we come to the year 1873?—Very little diminution, according to the return, up to 1868, but a fall of 29 per 1,000 between that year and the end of 1872.

75. Does not that tend to show that the Acts have had very little effect as regards gonorrhœa?—It was a slow diminution, but very little, comparatively speaking.

76. That is so, until you come to the year 1873?—Yes.

77. Then there was a considerable reduction, was there not?—There was.

78. Does not that tend to show that the reduction since the year 1873 was mainly due to other causes than the Act. In 1874, and for three or four successive years, there was a somewhat similar reduction in respect of gonorrhœa cases; and in 1877 and 1878 they seem to have increased again?—Yes.

79. But it is only those two years; with that exception, there seems to be some analogy between the figures in the two Returns?—There

Mr. Shaw Lefevre—continued.

was a steady fall upon one side, and not upon the other.

80. I see a fall in stations not under the Act in 1874, 1875, and 1876 in about the same proportion?—Yes; but in 1877 and 1878 it has gone up to 117 and 121.

81. In 1877 and 1878 there has been an increase again, but there was a reduction in the years 1874, 1875, and 1876?—Yes.

82. Do not the figures, in respect to gonorrhœa, tend to show that the reduction in stations under the Act was due to some other cause than the Acts themselves?—Not entirely.

83. But to some extent?—A comparison between these two shows that it is not entirely so.

84. That depends simply upon the years 1877 and 1878?—In 1878, the increase on both sides, of primary sores, was due, in a great measure, to the Reserves being called out.

85. Then we may strike out 1878, in considering these figures; it would be wiser to strike it out, would it not?—I think that the calling out of the Reserves had something to do with it, because wherever you have young men and money, there is always an increase in venereal disease, both primary and gonorrhœa.

86. Looking at those figures, are you of opinion that the Acts have produced any substantial effect in reducing the gonorrhœa cases?—They have gone down in the protected districts from 139 in 1860, to 78 in 1878, which is a very large reduction, spread over a number of years.

87. Omitting the last year from the stations not under the Act, you will see there is something like the same reduction; in the years 1860 and 1862 the numbers were 139 and 138, and in 1874 and 1875 they were 77 and 72?—The reduction was not so steady.

88. Still there is a considerable reduction there?—Yes; there is another point which I would like to call attention to, which is this, that regiments coming from unprotected into protected districts bring disease with them, which is put down to the account of the protected districts.

89. Supposing that you left gonorrhœa out of consideration, what would be the total saving to the army, in your opinion, of actual force per diem?—I could not say that without going into calculation.

90. Could you make a calculation, and let us know what has been the saving of actual force to the army, per diem, due to the Acts?—Yes, as I have it up to 1872, I can carry it down to the present time.

91. Would it be more than 60 or 70 men?—I should not like to commit myself, without going into the calculation.

Mr. Bulwer.

92. Do I understand that the saving per day of 190 men, that you gave in the calculation up to 1875, was syphilis alone, or syphilis and gonorrhœa?—It was for primary venereal sores up to 1872.

93. And you would be able, I understand, to make a calculation, and furnish the Committee with the per-centage due to syphilis, and the per-centage due to gonorrhœa?—Yes.

94. Then I may take it, may I not, that the saving of 190 men per diem is from a syphilitic sores alone?—Yes, from primary sores alone.

95. Therefore

Mr. Bulwer—continued.

95. Therefore there would be, I presume, also a saving to some extent of soldiers suffering from gonorrhœa in addition?—Certainly.

Mr. Shaw Lefevre.

96. Where do you take your figures from, as showing the savings?—From the weekly returns from 1868 to 1872.

Mr. Bulwer.

97. I have seen it stated in these returns that are made to the Government, that all sores in that part of the body are treated by the army surgeons as necessarily syphilitic sores; is there any foundation for that statement, in your opinion?—It is very difficult to distinguish what sores will produce secondary symptoms; it is agreed that all may; the indurated, or hardened chancre, is one that generally gives rise to secondary syphilis; if the doctor thinks that any of those sores may give rise to secondary syphilis, they must be all included in one category.

98. Are you able, when a man comes into hospital, to detect whether the sore that he is suffering from is simply an abrasion, or of a syphilitic character?—An abrasion you could distinguish; but you could not say that the sore was syphilitic or not.

99. If the sore did require medical treatment, but is not a syphilitic sore, the man would be fit for duty in a couple of days, would he not?—Yes, in a few days, if a simple excoriation.

100. Can you give me any notion for what length of time a man who comes in the early stage of gonorrhœa is incapacitated from duty?—It depends upon the state in which he comes in, but in from 10 days to a fortnight a man ought to get rid of an ordinary attack.

101. Does he do any duty during that time?—He does no duty in the army.

102. He is in hospital?—He is in hospital.

103. Formerly, I believe, the men in the army were subject to a periodical medical examination? They were.

104. When was that put a stop to?—I think soon after Lord Herbert's Committee, 1859 or 1860.

105. I think it was put a stop to upon grounds of its being degrading to the men?—Yes, as being degrading to the men, and unpalatable to the surgeon.

106. Had it, in your judgment, a good effect in preventing disease?—My commanding officer, a distinguished officer, Sir Duncan Campbell, would never allow it to take place when the rule existed; he would not let his men be inspected for venereal disease; it was never done in the regiment while I was there, and that was for 12 years. I do not think myself that inspections were of much value; when done in a very perfunctory way it was easy for a man to conceal his complaint; in all well-conducted regiments a man will come and report himself to his doctor.

107. Do you find that, practically speaking, the men are at all averse to make known their ailments?—From my own experience, not at all.

108. Except that they are reluctant to do so when their pay is stopped in consequence of the nature of the disorder?—Yes.

Mr. Shaw Lefevre.

109. I should like to clear up one point as to the saving to the Force of 190 men, which you mentioned; it appears from the Paper to which 0.116.

Mr. Shaw Lefevre—continued.

you referred, that the 190, which is the figure you gave us as the saving effected by the Acts, is, according to this statement, the saving that would be effected by the Acts in case of their being universally applied; and does not represent the actual saving now made in the districts under the Act; is not that so?—You are quite right, that is so.

110. That is a hypothetical case; supposing that the Acts were applied everywhere, then the saving would be 190?—That is so.

111. What I ask is, what is the actual saving, according to your calculation?—We can work it out if you wish it.

Colonel Alexander.

112. With reference to the question put to you by the honourable and learned Member for Ipswich, the examination which you alluded to was discontinued in 1859, in accordance with the recommendation of the Royal Commission, presided over by Lord Herbert?—I believe so.

113. Do you know the reasons which induced them to recommend the discontinuance of the examination?—It was considered very degrading to the medical officers, and the results obtained were not sufficient to justify it.

114. Are you aware that the practice of periodical examination of soldiers still prevails in some battalions of the Guards?—In the Guards it does, but in the Foot Guards only.

115. I am alluding to the Foot Guards; you are familiar, no doubt, with the proceedings of the Medical Committee which sat in 1865, and which particularly considered and reported upon this branch of the question?—I have been so much abroad that I do not recollect whether that is so or not.

116. You are not aware, are you, that that Committee expressed the opinion that personal examination of the men as formerly carried out, although it was very offensive both to the medical officers and soldiers, might be conducted, in their opinion, with such decency as to lose that offensive character?—I am not aware of that.

117. But you will take it from me that they did make that report?—Certainly. When I entered the service it was done in a very abominable way; the men were all drawn up in line, and inspected in that way; latterly, the men were taken separately into a room, and seen one by one, which made it much more decent.

118. It is no use my asking you whether you are aware that His Royal Highness the Commander in Chief gave evidence to the effect before that Committee that he had consulted many commanding officers of regiments, who all held that medical inspection, the discontinuance of which they regretted, was not only desirable, but absolutely essential?—I have not seen that Report.

119. Assuming from me that that was the evidence given by His Royal Highness before that Committee, may I ask whether you concur in that expression of opinion?—The difficulty that I have had in getting medical officers to enter the department, and I am afraid, from the tone of the profession, that if this was resorted to again it would throw great difficulties in the way. The profession have taken this up as a matter that is derogatory to the officers, and on that ground I think I should not support it.

120. As you have not considered the Report of that

Sir W. M.
Muir, M.D.,
K.C.B.

4 July 1879.

Sir W. M.
Muir, M.D.,
K.C.B.

4 July 1879.

Colonel Alexander—continued.

that Committee, I will not pursue the examination further upon that point, but will reserve it for other witnesses; but I will ask you this, whether venereal disease, in your opinion, in its early stages, can be detected in the system through the features or aspect of the individual suffering from it?—No, I should think not.

121. Not until it has reached its constitutional or eruptive stage?—No.

122. You consider that it is highly desirable to check the disease in its early stages, I suppose?—Yes.

123. Assuming that broad proposition, it follows that the concealment of disease must impede to a great extent the efforts of any medical officer to suppress it in his regiment?—Certainly.

124. Are you aware whether the concealment of disease prevails in the army to any great extent?—We have no statistics to show, but from what I know of the soldier's character, I believe that it is concealed in a great measure from the fact of his whole pay being stopped while in hospital.

125. The military authorities recognising the importance of checking the concealment, have endeavoured to do so punishing the men who resort to it, have they not?—They punish the men, but it is a very perfunctory punishment.

126. The punishment is confinement to barracks for 28 days, is it not?—In some cases they do it, but it is very difficult to establish that the man has concealed it.

127. Is it not a rule established by the Queen's Regulations, that a man who has concealed it shall be confined to barracks for 28 days?—I think it is a regulation.

128. You may take it from me that it is; then, as you have said, independently of his punishment for the concealment of disease, the contraction of disease itself is considered a military crime, is it not?—The stoppage of pay makes it so.

129. And, on the certificate of the medical officer, the soldier is charged before the commanding officer, is he not, with being in hospital through his own misconduct?—Yes.

130. And he must forfeit his pay for the day or days of such detention in hospital?—He forfeits his pay.

131. The commanding officer has no option in the matter?—No, the pay is stopped.

132. You also stated to the honourable and learned Member for Ipswich, that the fear of losing his pay operates as an inducement to the soldier to conceal his disease?—I think so.

133. And consequently the disease so concealed is liable to become aggravated in its character?—No doubt.

134. And the time during which the man's service is lost is largely increased; and, perhaps, it is altogether lost?—Perhaps altogether lost; and the effect upon his offspring may be very considerable.

135. Is it within your knowledge that a very considerable number of soldiers are invalided on account of diseases which are distinctly venereal in their origin?—Yes.

136. And, therefore, the injury to the public service is by no means fully estimated by the immediate and direct effect of the sickness of those still remaining in the army?—Certainly not. I believe that there is a great deal of consumption, which is very prevalent in the Guards,

Colonel Alexander—continued.

due in a great measure to syphilis; the seeds are there brought into action by the stimulating influence of the poison.

137. Is not a great deal of rheumatism traceable to this disease?—There are hardly any diseases now in the category which are not more or less traceable to it.

138. May it not happen to soldiers that their pay may be stopped over and over again for the recurrence of the same disease, on the supposition that it was a disease newly contracted?—Yes; but it is usual, as soon as the actual primary disease for which the man was admitted is recovered from, if any secondary affection has in the meantime arisen, for the medical officer to change the name of the disease in the hospital records, which he has the power to do, and thereby the man no longer has the whole of his pay stopped, but comes under ordinary stoppages; after discharge from hospital, should he again contract a fresh attack, and be re-admitted, he would have the whole of his pay stopped as before.

139. Would it not, in your opinion, be better that the pay only of soldiers actually convicted of concealment should be stopped; that after conviction of concealment, the pay of those soldiers only should be stopped, and not the pay of every man contracting the disease?—I think that it would have a very good effect.

140. Referring to a question put to you by the honourable Member for Reading, I suppose, even assuming an increase of gonorrhœa in the army, such increase is a matter of comparatively slight importance?—Yes, it is a local disease, quite different altogether from primary syphilis.

141. The Contagious Diseases Acts were passed, were they not, solely with the object of suppressing, or at least diminishing syphilis?—That I understood was the object of them.

Mr. Stansfeld.

142. Do I understand you to say that, in your view, the Contagious Diseases Acts were passed solely with the object of suppressing syphilis?—Certainly, I believe so.

143. By that, do you mean constitutional syphilis?—No, I mean primary sores and syphilis, one follows the other; I speak of venereal diseases generally.

144. In this evidence, do you express the opinion that that was the sole object of the Acts?—I cannot tell; I have not gone into that question at all. I was not in the country when the Acts were passed. I have been serving in India, and all parts of the world; and it is impossible for me to be *au courant* in all this, but my general belief is that that was the cause.

145. I must challenge that answer, unless you wish to withdraw it?—I wish to be corrected if I am wrong.

146. Will you look at the definition of Contagious Diseases in the second Act, the Act of 1866. "In this Act, the term Contagious Disease means" what?—It means venereal disease, including gonorrhœa.

147. Now will you look at the Act of 1869?—There it is venereal disease including gonorrhœa.

148. Now, after reading that definition in those two Acts, do you abide by your expression of opinion that the diminishing of gonorrhœa was not contemplated by that legislation?

—Not

Mr. Stansfeld—continued

—Not at all; it was, I say, as to venereal diseases generally.

149. Including gonorrhœa?—Yes, including gonorrhœa; there is no doubt about it.

150. I understood you to say, in answer to the honourable Member for Reading, that according to a calculation that you have made, there would have been a hypothetical saving to the home army, during a certain period, of 190 men, if the Acts had been applied to the whole of the home army?—Yes, to the whole of the home army. (See Explanatory Note, p. 15.)

151. You told us that there was a very sudden and remarkable fall in the number per 1,000 of admissions to hospital immediately upon what is generally called Mr. Cardwell's Order, in 1873?—From 50 to 42. (See Explanatory Note, p. 15.)

152. It was a great fall, both in primary sores and gonorrhœa, in all the stations, and a very sudden fall?—Yes. (See Explanatory Note, p. 15.)

153. What I want to ask you is this: when you say that there would be a saving in efficiency of 190 men to the home army, I presume you mean that 190 more men in that army of 80,000 or 85,000 men would be on parade instead of in hospital?—Yes, certainly. (See Explanatory Note, p. 15.)

154. But when we come to the year 1873, and the soldier finds that he loses his pay if he goes into hospital, there is a very large amount of reduction of inefficiency, is there not?—There is.

155. Is not that only an apparent reduction of inefficiency, and is not there another inference to be drawn; would not you infer from that sudden drop, that men who are in hospital or out of hospital, as it suits their pocket, are not really inefficient?—If a man is doing his duty, you cannot call him inefficient. (See Explanatory Note, p. 15.)

156. Am I taking a proper view of the matter, by saying that this would save so many men, if the Act extended to all the stations; that is, that these men would not be in hospital?—Yes. (See Explanatory Note, p. 15.)

157. But, of that amount of saving, a certain proportion is due to the fact that the soldier, finding that he is mulcted in his pay, prefers not to go into hospital for these complaints, and continues, therefore, efficient; is not it so?—He does not know the danger he is running. (See Explanatory Note, p. 15.)

158. I am not talking of that, I am talking of efficiency simply; and I ask you this question, Is the hypothetical saving of 190 men an exact measure of the real saving in efficiency, and is it not inexact in this respect that you find that it is immediately reduced upon the soldier's pocket being affected?—I do not say so; it is a positive saving of so many men. (See Explanatory Note, p. 15.)

159. That is to say, so many men are on parade instead of being in hospital?—That is the meaning of it. (See Explanatory Note, p. 15.)

160. Supposing that there was a sudden call for foreign service; would not you have a great many men in the hospital, leaving hospital and joining their corps?—Those men are all inspected before embarkation; and they would

0.116.

Mr. Stansfeld—continued.

be discovered then. (See Explanatory Note, p. 15.)

161. You do not understand me; would not many of the men in hospital be found fit to join their corps on foreign service?—I do not think that any of those men would be sent under these circumstances. (See Explanatory Note, p. 15.)

162. Not any men with primary syphilis?—Not as a rule. (See Explanatory Note, p. 15.)

163. I am afraid I have not made myself clear to you. I will try and put the question again in a somewhat different way. What you mean by a saving in efficiency is, that so many more men are on parade, instead of in hospital?—Certainly. (See Explanatory Note, p. 15.)

164. But I ask you whether that is entirely real inefficiency; and I ask you that for this reason: that as soon as the soldier's pocket is affected, inefficiency is reduced; do not you infer from that, that in many of these cases the attack is not sufficiently serious to make the men really inefficient?—I do not know, I cannot answer that question; the man certainly did not consider it so himself or he would come to hospital. (See Explanatory Note, p. 15.)

165. And he has continued to do his ordinary duties?—He may have gone to an apothecary and got medicine.

166. He has not found it necessary to abstain from the performance of his ordinary duties?—Certainly not; and for that reason, you have a rise in the admissions for secondary syphilis, after the year 1874.

167. That is a matter of speculation, certainly?—Yes, it is.

168. I do not want to carry it too far, but I want to put this to you: when you find the amount of the efficiency of the army largely increased, the moment you find the soldier for going into hospital, does not it occur to you that that inefficiency is not as serious as is sometimes supposed. You will probably admit that there is something exaggerated in that supposition?—Certainly.

169. You know the two-fold objects with which these Acts were passed; I will state them to you, and no doubt you will agree with them; one object was to increase the efficiency of the army, we have your evidence as to the amount of possible saving on that score, and the other object was to reduce disease, was it not?—To reduce disease in the army, and also amongst the general population.

170. It was to apply to both, was not it?—I believe so.

171. And the disease to which it referred was constitutional syphilis; that was the main object, was it not?—Yes, that is the real object after all.

172. The weightiest object, though not the sole object, being to reduce constitutional syphilis, a sound classification of these diseases is of course of the greatest importance in your Army Medical Returns, is it not?—Certainly.

173. In your Army Medical Returns you classify the diseases under two heads; first, gonorrhœa, and secondly, primary venereal sores?—Yes.

174. The primary venereal sore is solely a sore affecting a certain part of the body?—Yes.

A 4

175. And

Sir W. M.
Muir, M.D.,
K.C.B.

4 July 1879.

Sir W. M.
Muir, M.D.
K.C.B.

4 July 1879.

Mr. Stansfeld—continued.

175. And the question is whether those sores are syphilitic or not?—Quite so.

176. Is it your opinion, as a medical man, a sound classification to put in one column gonorrhœa, which is merely a local affection, and in another column, under the head of primary venereal sores, two distinct classes of affections, one local and unconstitutional, and the other constitutional?—You cannot distinguish between them.

177. You cannot distinguish between them, when?—Locally; when the man comes into hospital.

178. Do you mean to say that a medical man, examining a woman in hospital, or a man in hospital, would be unable to say whether the sore was a syphilitic sore or not?—Not always, there is great doubt upon that.

179. You would not go so far as to say that he could not, upon the whole, distinguish between an infecting and a non-infecting sore?—No, a Hunterian chancre, which has a hard base, is almost prognostic of a secondary attack; but as to the other sorts, sometimes he might, and sometimes he might not; it depends upon the character of the sore.

180. In that second column you have the heading of "Primary Venereal Sores;" of those, some are syphilitic and some are not syphilitic; with regard to those not syphilitic, they are not more serious than gonorrhœa, are they?—They may become syphilitic; you cannot tell.

181. As regards those not syphilitic, they are not more serious than gonorrhœa?—No, they are not more serious.

182. And they are very often not so serious?—It depends upon the constitution.

183. Is it not true that they are sometimes not so serious?—Yes.

184. What is the test of whether an attack of primary sores is really syphilitic or not; is the decisive test being followed by secondary symptoms without fresh infection?—Yes.

185. Therefore secondary syphilis is a proof of the existence of primary syphilis?—When it is allowed to run unchecked by treatment; but if the chancre is cauterised it would not, in some cases, be followed by secondary symptoms.

186. It is possible that you may prevent the occurrence of secondary symptoms; but the occurrence of secondary symptoms without fresh infection is decisive medical evidence of there having been primary syphilis?—Yes.

187. What is the proportion in the whole army between the number of admissions in respect of primary venereal sores from year to year, and of secondary syphilis; can you give me the figures?—We have not got them worked out.

188. But there is not much doubt about them; you have given us some figures to-day, and you said that in 1860, which you began with, the number of admissions to hospital were 146 per 1,000 for primary venereal sores; is not that so?—Yes, that is 146 for stations afterwards put under the Act.

189. And you have shown that the numbers have gone down in 1877 to 35 per 1,000?—Yes.

190. And that applies to 50,000 men out of 80,000 men, does it not?—Yes.

191. If I take the same years, and look at secondary syphilis for the whole army, we have

Mr. Stansfeld—continued.

not any figures divided into subjected and un-subjected stations?—We cannot divide those.

192. Take, then, the whole home army. The secondary syphilis begins in 1859, I think, at 35·86 per 1,000, and in 1876, I think you say, it was 27·4; what is it in 1877?—23·78.

193. And in 1878, 26·64?—Yes.

194. What did you give us as the number of admissions for primary syphilis in the protected districts in 1878?—Forty.

195. I find that in certain protected stations, within which are to be found 50,000 out of the home army of 80,000 men, in round figures the reduction which you have given in primary venereal sores, between 1860 and 1878, is a reduction of no less than from 146 to 40 per thousand; that is so, is it not?—Yes.

196. When I look at the admissions for secondary syphilis, which is the test of true syphilis, I find that in 1860 the admissions were 31·30 per 1,000?—32·73.

197. And I find that in 1878, the admissions are 26·64?—Yes, that is quite correct.

198. It would appear, therefore, that if we take the relations between primary syphilis and secondary syphilis, as more or less identical in the protected districts, and in the rest of the army, the proportions between secondary syphilis and primary syphilis have enormously changed?—Yes, to some extent.

199. And that the reduction has been in primary syphilis and not in secondary syphilis?—Certainly, to a greater extent.

200. Are you prepared to say that any reduction in the amount of secondary syphilis in the army has been produced by the Acts?—It is very conclusive, if you go from 35 to 26, and in some years to 20, as was the case in 1871.

201. I understand you to say that you consider the statistics do show that there has been a fall in secondary syphilis, which is the true syphilis, consequent upon the operation of the Act?—Yes, that is my opinion.

202. Now let me take you to the year 1866, 1866 is the year of the first existing Act, is it not?—I believe so.

203. The year of the first Act which introduced compulsory periodical examination. If I take the whole of the home army, the admissions into the hospital per 1,000 for secondary syphilis, in 1866, were 23·29?—24·77, I have it here.

204. My figures are from your return; that is the year in which the first of the existing Acts as introduced?—Yes.

205. And in the year 1878, the constitutional syphilis has risen to 26·64?—Yes.

206. During the same period the admission for primary syphilis had fallen from 87 to 40; is that so?—Yes.

207. Therefore the proportion of secondary syphilis to primary sores has doubled during the operation of the Acts?—It has risen from 1 to 3, to 1 to 2, in round numbers, when the proportions for the whole army are taken.

208. How have you arrived at the opinion that secondary syphilis has been reduced by the influence of the Acts; you see that there is no reduction but an increase between the years 1866 and 1878, and that the reduction is entirely in the primary sores, which are presumably non-syphilitic?—If you take the average there is a large

Mr. Stansfeld—continued.

large reduction; in one year it is 20; in 1871 it is 20·30.

209. We have been talking about secondary syphilis; and we have agreed upon certain figures, more or less?—Yes.

210. But your Army Medical Reports do not deal with secondary syphilis?—No, because we do not know where it was contracted.

211. The reason you assign is this, that if you give the progress through a series of years, and give the figures as to admission into hospital at certain subjected stations, for primary venereal sores, there is no doubt about those figures; but that if you were to give the figures in respect of secondary syphilis, true syphilis, there might be doubt about the figures, because the primary infection might have taken place in other districts?—Yes.

212. That is the reason why your table is classified, first under the gonorrhœa, and, secondly, under primary venereal sores?—Yes.

213. Therefore, as a matter of fact, you do not, in these tables, distinctly show the progressive influence of the Acts, or give the figures of secondary syphilis?—No.

214. But the figures of secondary syphilis are to be found elsewhere in your Report?—Certainly.

215. And under those figures, if I am not mistaken, I understand you to say that in the year 1866, taking the whole home army, the admissions to the hospital for secondary syphilis were 24·77; and that in the year 1878 they were 26·64?—Yes.

216. But you have spoken of intermediate figures, and I have the intermediate figures before me. You refer to the year 1871, when there was a reduction upon 1866, to 20·30?—Quite so.

217. Are there any other years in which there is a reduction upon the year 1866?—In 1873 it was 23·19. We had no notice whatever of what we were to be examined upon here, and I have not come prepared with the figures at all.

218. You have the figures here?—Yes.

219. Will you read to us, slowly and distinctly, so that the Committee may take them, your figures as to the admissions into hospital per 1,000 men of the home army, in respect of secondary syphilis, from 1866 to 1878?—1866, 24·77; 1867, 28·14; 1868, 31·89; 1869, 26·22; 1870, 25·01; 1871, 20·30; 1872, 24·26; 1873, 23·19; 1874, 24·00; 1875, 28·7; 1876, 27·4; 1877, 23·78; 1878, 26·64.

220. Now I ask you, with reference to your previous answer to another member of the Committee, whether these figures show a reduction in constitutional syphilis?—I should like to take the average; it is a matter of calculation. You have not gone into the question of before the Act; before 1866, the figures are very high, and that is an important point; I have a Return here from 1859, when they were 35·86, to 1865, when they were 29·65.

221. I understand you to point out that there was a large reduction in secondary syphilis, from 35·86 per 1,000 in 1859, to 24·27 in 1866?—Yes.

222. There were those figures?—Yes.

223. There was a reduction of 10 per 1,000, between 1859 and 1866; that is to say, a reduction, before the Act of 1866 was in force; 1866 0·116.

Mr. Stansfeld—continued.

being the date of the first existing Act, is not that so?—Yes.

224. Now, take from 1866 to 1870; between 1866 and 1870, there is a slight increase, is there not, from 24·77 to 25·01?—That is so.

225. I will take it for the year 1870, for this reason; am I not right in saying that it was not till the year 1870, that the Act was applied in all the subjected stations; and that the fortnightly examinations were everywhere instituted?—I believe 1870 was the year.

226. We began in 1870, with the Acts for the first time in full operation; and the amount of secondary syphilis was 25·01; and we come, in 1878, to admissions for secondary syphilis, 26·64; that is not a fall, is it?—That is quite correct.

227. And that is not a fall?—There is an average fall.

228. There is no average fall, surely?—I have not calculated this out; I should reserve that question, if you will allow me, until I have made my calculation.

229. It is hardly a matter of calculation; if you look at the figures, you will find that we had, in the year 1870, 25·01; then it was 20·30; then 24·26; then 23·19; then 24·00; then 28·7; then 27·4; then 23·78, and then 26·64; is it possible, out of those figures, to show a decrease in the amount of constitutional syphilis, consequent upon the introduction of the Acts?—There is a reason for the last four; that is, since the regulation came out, about fining men in hospital; stopping their full pay.

230. That is also a reason for the large reduction in primary sores, with which you credit the Acts?—Certainly; but we do not credit the Acts with the entire reduction since 1873.

Mr. Shaw Lefevre.

231. Do you mean that that is the reason for the increase during the last four years?—Yes, I think so.

Mr. Stansfeld.

232. You attribute the increase in late years, in the proportion of admissions for secondary syphilis, to the effect of Lord Cardwell's Order, do you not?—Yes.

233. *Primâ facie* the effect of that Order upon secondary syphilis, as well as upon primary syphilis, is, that men conceal their disease, and do not go into hospital?—That is the assumption.

234. But your opinion or speculation is this, that the consequence of that concealment to which they are tempted, has been to increase secondary syphilis?—Certainly.

235. And therefore, in spite of their desire to conceal it, that they increase the admissions to the hospital; that is your argument, is it not?—Yes.

236. But that is simply a question of deduction and inference?—There is no other reason for it.

237. We must take it for what it is worth?—Yes, for what it is worth.

238. Now let us come back to your first column in your Army Medical Report to the Government; I think you admit, and, in fact, it is admitted in consecutive Army Medical Reports, that down to the year 1873 there is no evidence of any beneficial influence of the Acts at all?—There is a fall of 40 from 1860. I refer to gonorrhœa.

B

239 That

Sir W. M.
Muir, M.D.,
K.C.B.

4 July 1879.

Sir W. M.
Muir, M.D.,
K.C.B.

4 July 1879.

Mr. Stansfeld—continued.

239. That is before the passing of the Acts?
—Before the passing of the Acts.

240. I want to put primary sores on one side for a moment, and to deal with gonorrhœa; have not you admitted in consecutive annual Medical Reports, the failure of the Acts, as far as gonorrhœa is concerned?—We have not had the same success, but there has been a reduction.

241. Have you not admitted in consecutive Army Reports the failure of the Acts?—I should like to refer to those.

242. Have you not admitted that in the Army Reports; will you refer to the Army Medical Report for 1873, page 3; here I have the Report for 1873; in speaking of the diseases of the urinary system the Report says: 'A very marked fall in the rate of admissions, both on that of the average prevalence and that of the year 1872 is observed; as compared with the last year it amounts to 19.3 per 1,000 men; the decrease is due to the diminished number of admissions for gonorrhœa. There is reason to believe that the fall in the rate of admissions for gonorrhœa in 1873 is connected with the issue of the Royal Warrant in the month of October of that year, directing that the pay of soldiers admitted into hospital with venereal diseases should be forfeited during their stay there?'—Yes, that is right.

243. There have been in subsequent issues of the Army Medical Report similar admissions?—Yes, substantially so.

244. Therefore down to the year 1873 the figures show, and it was your opinion, and the opinion of the medical department of the army, that the Acts have produced no reduction in the amount of gonorrhœa?—Very little.

245. None?—I could not say none.

246. I must say there is an expression of that opinion in your Report; here is the Report for 1872: "The fact remains that the average rate of admissions for the eight years from 1865 to 1872 was higher in the protected than in the unprotected stations;" I think you will find it to be so; is it not true that down to 1873, the figures in your annual returns show, in accordance with the expressed opinion of your department, that the Acts have produced no effect in respect of the reduction of gonorrhœa?—No.

247. You observe the reduction after 1873?—Yes.

248. That reduction was a very sudden reduction, was it not?—Yes.

249. When you have a long series of figures through a long series of years, either unchanged, or changing in some very slow and gradual way, and when at the end of a certain period of years, you come to a sudden drop, or a sudden rise of a very considerable extent, would you, as a statistician, look for some disturbing cause?—Yes, certainly.

250. And that disturbing cause, I take it, you think you have found in the issue of Lord Cardwell's Order?—Yes.

251. You have pointed out in your evidence, that that Order appears to have operated somewhat differently in the subjected and unsubjected stations?—I say it affected both equally.

252. Is it so as a matter of fact?—I said that what affected one affected the other.

253. That is not so as a matter of fact, in gonorrhœa; I am speaking of gonorrhœa only.

Mr. Stansfeld—continued.

In the year 1872, the admissions per 1,000 in the subjected districts, in respect of gonorrhœa, were 104?—Yes.

254. In the unsubjected districts, the admissions were 106?—Yes.

255. And since 1873, the fall has been more decided in the subjected than in the unsubjected districts?—Certainly.

256. And you would be disposed, perhaps, to question rather the conclusion at which your department had previously arrived, that the Acts had produced no influence on gonorrhœa?—From the figures, I would.

257. You have intimated that in your last Report?—Yes.

258. But what I want to put to you is this; there is a sudden fall, and there is only one ascertainable disturbing cause; and that is the Order of Lord Cardwell; are you not bound as a statistician, to look to that cause, as the cause affecting the reduction both in the stations protected, and in the stations which are not protected?—It affects both.

259. And if you find it affects them in different degrees, is there any reason for arguing that that difference is attributable to the operation of the Acts, which showed no effect up to the year 1873?—May I ask you to repeat the question?

260. Up to 1873 the Acts produced no effect upon gonorrhœa; the subjected districts show no advantage over the unsubjected districts; that is so?—Yes.

261. After the year 1873, for the first time, there is a sudden and rapid fall, and that fall is greater in the subjected than in the unsubjected stations?—Yes.

262. Is that any reason for giving the Acts the credit of the increased fall in the subjected stations?—I cannot answer the question.

263. Can you suggest any reason why that increased fall in the subjected stations, should be attributed to the operation of the Act?—I cannot suggest anything.

264. Does not it occur to you as very likely, that the Order of Lord Cardwell may have operated with greater stringency in the subjected than in the unsubjected districts?—No, I do not see why there should be any difference; the same rules and regulations exist all over the army.

265. But the stations differ very much in character; the subjected stations are the camps and arsenals, with large bodies of men?—And large towns.

266. The subjected stations are not generally the largest towns, are they?—No.

267. Does not it seem to you that the Order is likely to operate with greater stringency in the subjected stations than in the others?—I do not think so; I do not see why it should.

268. But you cannot suggest any reason why that increased fall in the subjected stations after 1873 should be attributed to the operation of the Acts?—No, I cannot say.

269. There is one matter I wish to put a question to you about; you said you had paid no attention to the question of the diseases amongst the women who are confined to the hospitals under the Act?—I know nothing of them.

270. But with reference to the question of the influence for hygienic good or evil of these Acts, is not it as important to know the ratio of disease among

Mr. Stansfeld—continued.

among the women as amongst the men?—It is quite outside my duties altogether.

271. Do you think it is of importance?—No; I can get any information I want, if I like, but I do not think it comes within my province.

272. You are not simply the head of the Statistical Department, but as the man, above all others, responsible for the health of the army in these respects, you do not think it concerns you to know the relation between the amount of disease in women as compared with that of the men who consort with them?—I know a great deal about it, from Dr. Sloggett, who communicates what takes place; I know that in Portsmouth there has been a great improvement in that class of women, and a reduction in prostitution.

273. We have had certain figures given by you, and in the Army Medical Report, we have the number of admissions into the hospital, year by year, per 1,000 men, in respect to gonorrhœa and primary syphilis?—Certainly.

274. In the police returns we have the admissions for all classes of venereal disease of the prostitutes who are sent into the hospitals?—Yes.

275. Supposing you were to find repeated instances, at your stations, in which the amount of disease among women had gone up, and the amount of disease among men had gone down, or at which the amount of disease amongst women had gone down, and the disease amongst men had gone up, would not those facts interest you, and require investigation?—They would be facts of interest, and no more.

276. I will show how I think they would be more; would that not suggest to your mind, that the amount of disease amongst the men, had other disturbing causes than the amount of disease among these particular women?—There is a very large proportion of disease brought from the outside, not in the district; disease is got outside, and is brought into the district.

277. The primary syphilis?—Yes, the primary syphilis.

278. Then I understand that we are not entitled to assume in these statistics of yours that the number of admissions for primary syphilis represent infections incurred in the district?—Certainly not; the great bulk, but not all.

279. And that would apply both to the subjected and to the unsubjected stations?—Admissions into hospital, but not contracted in the district.

280. Therefore that remark of yours, to a certain extent, but without wishing to exaggerate the extent, invalidates the reliability of your returns; that is so, is it not?—It increased the number in the protected district.

281. Why?—Because the men coming from the unprotected districts are shown in the Returns on the strength of the protected districts.

282. Is it not possible that a man in the unprotected districts may come into a protected district, and contract his disease there?—Yes; but the proportion of men sick is much smaller in the protected district; by the last Return it was two-thirds; there is much less chance of men getting disease there, than in a man going out to get disease in an unprotected district.

283. You are there assuming that there is less disease in one than in the other?—And less opportunity of contracting it.

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Mr. Stansfeld—continued.

284. Less opportunity of contracting gonorrhœa?—Or primary syphilis; it is the rule of the service that regiments coming in from an unprotected district, as they come into the protected districts, are examined, and all men found diseased are sent into hospital, and the same applies to soldiers coming from furlough; they are examined, and if found diseased they come into hospital.

285. Does that rule only apply to protected districts?—Only to protected districts.

286. Therefore when you have a regiment coming into a protected district, or men coming back from furlough, you take care to take out and send to hospital those who are unhealthy?—Yes.

287. Do not they take those precautions in an unprotected district?—No.

Chairman.

288. Do you know anything about what is done in the unprotected districts?—I have written to the principal medical officers of the different districts, but I have not got the replies.

289. Then you are not in a position to answer the last question of the Right honourable gentleman?—No. This is the Regulation I referred to in paragraph 615. "On the first arrival of troops at stations in the United Kingdom, to which the Contagious Diseases Acts apply, or on their return from furlough, and also on disembarkation at any colony where there is a local ordinance or law in force for the prevention of venereal disease, they will be examined with a view to prevent the introduction of such disease. Medical officers will be careful to bring to the notice of the commanding officer any men who have delayed reporting themselves when diseased." That is the rule existing now.

Mr. Stansfeld.

290. Can you give me any reason why that rule should exist simply with reference to subjected stations?—It is to prevent men from importing disease into the district.

291. Have you no objection to men importing disease into an unprotected station?—It is difficult to answer that question. These admissions all help to swell the number in the protected districts. On these regiments coming in, those who are sick are eliminated from them.

292. That may tend to reduce the disease, no doubt?—There is no rule as regards the other districts.

293. I take it as a fact, whatever the influence of that fact may prove to be upon the army medical statistics, that when a regiment comes into a protected district, the soldiers are examined, and those who are found diseased, are not allowed to infect the women, but that in other districts there is no such regulation?—That is the case; the men so examined, and found infected, are credited to the protected district; and so the number is swollen.

294. The first effect of that would be to increase the number of men entering into hospital?—Yes.

295. But the second effect would be to diminish the amount of disease in the station, because you take the precaution of preventing the men from contaminating the women; you do not take that precaution elsewhere?—That is true.

B 2

296. We

Sir W. M.
Muir, M.D.,
K.C.B.

4 July 1879.

Sir W. M.

Muir, M.D.,
K.C.B.

4 July 1879.

Mr. Stansfeld—continued.

296. We have arrived, from your evidence, at two conclusions; first, that there has been no improvement in gonorrhœa until after 1873?—No important improvement.

297. No improvement at all, until the year 1873; that is admitted in your Army Medical Reports; after 1873 there is a fall, but there is no cause to which we can attribute that fall except the issue of Lord Cardwell's Order; that is so, is it not?—That is so.

298. With reference to secondary syphilis, we find that, in the whole Home army, there is no decrease as a consequence of the Acts; there was a decrease of 10 per 1,000 between 1860 and 1866; but there has been no decrease since 1866; is that so?—Officers belonging to the department, who are more conversant with figures than I am, will answer that.

299. That is your evidence, is it not, to-day?—That is my evidence to-day, certainly.

300. I want to put a few questions to you as a medical man; and I hope you will not imagine, and I hope the Committee will not imagine, that I am going to pretend to any great familiarity with the medical aspect of the question, although I have been compelled to be somewhat more familiar with it than I like. I shall not put any question without a purpose; would you have the kindness to tell us what is the nature of the first class of venereal diseases in your Army Returns, namely, gonorrhœa. Is not the characteristic of gonorrhœa, an inflammatory condition of the mucous membrane of the urethra, accompanied with a discharge?—That is so.

301. The sequelæ of gonorrhœa are very rare?—Yes.

302. The character of gonorrhœa being what I said; that is to say, an inflammatory condition of the mucous membrane of the urethra, accompanied with a discharge; I will put this question to you, Cannot any woman escape detection, from being found diseased with gonorrhœa, by the use of a syringe immediately before, or very shortly before, her examination?—I cannot answer that question; I have been too long out of practice, though long conversant with those diseases, to answer the question. I have no experience of examining women.

303. If you wish not to answer the question, I will not ask it?—I do not see the use of asking me, because I have no experience in examining women; it does not fall within my province.

304. Upon that point, you do not wish me to put the questions to you?—No.

305. I must ask them of another witness?—I will furnish you with the names of the executive officers who are more conversant with the local hospital; men who have charge of hospitals.

306. Would you rather not answer any questions as to the communicability of these diseases from the men to the women?—I would rather not; I think that the men who are in actual practice now, and dealing with these cases daily, are more likely to give you reliable evidence than a man who has been out of practice for 20 years.

307. Then when I tell you that the object of my questions is to show, as I believe I should show, by the answers which would be elicited to them, how it is that the Acts fail in guaranteeing the safety of the men who consort with the prostitutes who are examined; when I say that that

Mr. Stansfeld—continued.

is my object, you prefer that I should address questions of that kind to other witnesses?—I think so; the object of my attendance here is statistical, purely; I have brought before the Committee statistics for this year, and the year before; and I think that the information that I have given is all that I can give.

308. There is one question which I should like to put to you; we have been discussing and ascertaining as far as we could, the distinction between primary sores and true syphilis?—Yes.

309. And in your column of primary sores, there is an amount of true syphilis which is uncertain; you cannot exactly say what proportion of those sores are true syphilis; what proportion are syphilitic, and what proportion are not syphilitic?—No.

310. If we compare the figures with the figures of secondary syphilis, I presume I should not be far wrong in saying that not above one-third or one-fourth of those cases are really syphilitic?—I think not; about one-third, I should say.

311. It is evident to the Committee from your evidence to-day, that the proportion of the true and infecting sore is increased, seeing that the reduction has been in the non-infecting sore?—Yes; it shows rather that the proportion of secondary to primary syphilis has increased, probably through neglect of treatment.

312. The reduction has been in the simple sore, not so much in the syphilitic sore; because there has been no reduction in secondary syphilis?—Yes, that is a conclusion.

313. But have you any departmental return which is not published in your annual Army Medical Report, showing the proportion of these sores, which are really syphilitic?—I do not think we have.

314. I have here a book called the "Science and Practice of Medicine," by Dr. Aitken, and I find that he says this at page 861, "During the last 30 years venereal diseases have always formed a class by themselves in the Army Medical Returns, at first under that title, and latterly as 'Enthetic Diseases,' but the College of Physicians did not deem it necessary to retain a separate class for these affections. From a military point of view, however, they form so important a class, especially with reference to the amount of inefficiency they cause, and of invaliding to which they gave rise, that the Director General of the Army Medical Department has decided to call for a special Return of them annually from every corps; and the following instructions for its preparation have been issued:—'In this Return, under the head of primary syphilis, are to be included all those cases in which the venereal sore is one of the indications of a constitutional infection, usually attended with more or less hardness of the sore and induration of the inguinal glands, and followed by general constitutional manifestations. Under Local Venereal Ulcer are to be included all cases of sores arising from impure sexual intercourse, which are not attended or followed by any constitutional affection. These cases are frequently attended with inflammation or suppuration of the inguinal glands, which must be considered as a complication and not as a separate disease;'" could you furnish us with a similar

Return

Mr. *Stansfeld*—continued.

Return to that mentioned here?—I could not at a moment's notice.

315. Would you kindly consider whether you could, and let us know?—Yes.

Mr. *Tremayne*.

316. I should like to ask if the effective strength of the army would be materially affected if gonorrhœa were altogether eliminated from the Act; if gonorrhœa were not included in the category of venereal diseases?—We must show every man coming into hospital as non-effective; if a man comes in with gonorrhœa we must show him as a non-effective man.

317. My reason for asking that is this; you stated in the beginning of your evidence that 190 men per day were abstracted from the efficient force of the army, by reason of primary venereal sores?—Yes.

318. Then, I ask, what proportion of the diminution of the effective strength of the army could you put down to cases of gonorrhœa?—That is a matter of calculation. I could not answer it off-hand.

319. Would the efficiency of the Acts be very much diminished if gonorrhœa were altogether struck out of them?—I do not think so; but I do not see how you could strike it out; it is a venereal disease.

320. That you are not able to answer?—No.

General *Shute*.

321. I wish to ask you a few questions. Is not the proportion of gonorrhœa to syphilis, as four or five to one in the army?—Yes.

322. And more too?—Yes.

323. And gonorrhœa, decidedly in a cavalry soldier, affects his duties more than a syphilitic sore, does it not?—Yes, it does, no doubt.

324. I suppose you would agree with me that there is quite as large a proportion in the number of soldiers infected with venereal disease, as amongst the women who live a loose life in a town in which the soldiers are quartered?—I cannot answer the question as to women.

325. You say that a great number of soldiers now, in consequence of that Order of 1873, are in the habit, probably of concealing the disease?—Yes.

326. Do not you think that those soldiers may propagate as much disease in a town as the loose women do?—It depends upon the number altogether.

327. Yet you seem to think that army surgeons were justified in feeling rather above making what we formerly insisted upon, namely, the weekly doctor's inspections; and you seem inclined to consider that being inspected might offend the modesty of the men?—Yes; but I am speaking in the name of the profession and the department. I am not speaking in my own name.

328. Then I want to ask you this; you think that the civil surgeons may fairly be called upon to perform the more offensive duty of examining women, and that women, not more notoriously immoral than soldiers, should not object to it?—That is a matter of pounds, shillings, and pence.

329. You said that a good deal of disease was caused by troops coming from stations not subject to the Act to protected stations?—Yes.

330. Would that have been the case had the

0.116.

General *Shute*—continued.

weekly doctor's inspection of the regiment been continued?—Not to the same extent, I think.

331. You are aware that cavalry colonels who take an interest in their men, have always expressed a desire for, and have almost insisted upon their surgeons making these inspections in their regiments?—Yes. I believe, in the Life Guards, they do not do it; there is no inspection there.

332. Would you be surprised if I tell you that the medical inspector, before the march from Brighton of the regiment under my command, reported to me that he found 25 men, whom I had ordered to mount on the march, unfit to march, from venereal disease?—No; I should not be surprised.

333. That was because he did not carry out my wishes in regard to weekly inspections. Supposing I had not ordered that examination before the march, the result would have been that those men would have been billeted in a great number of country towns in England, and would have been likely to propagate disease?—Ordinarily, they would propagate disease.

334. Soldiers concealing the disease, as they probably do now, would naturally increase the amount of secondary disease, would they not?—Considerably.

335. These statistics are rather curious, because surely secondary disease ought under improved medical treatment, and improved cleverness, to have decreased?—Yes.

336. What is commonly called secondaries has often been the result of mercurial treatment for syphilis of what were really unwholesome excoiations, is not that so?—That has been held by many medical authorities.

337. In reference to this disease, now that the departmental system is so generally adopted, do officers commanding regiments get daily sick reports of the men?—They get weekly sick reports, but the report coming from the regiment is returned, so that the colonel knows who is discharged and who is taken in.

338. Are you aware that when commanding officers in old days received the daily reports, if they observed in any town a vast increase of gonorrhœa symptoms or syphilis, in Orders or by addressing their men, and giving them advice, they endeavoured to check the increase of disease?—Yes.

339. With reference to that Order, which I agree is a very great mistake, stopping the men's pay while in hospital, when disease is caused by their own misconduct, do you consider delirium tremens has been the result of their own misconduct?—Yes.

340. Do they get their pay stopped for that?—Yes.

Sir *Henry Holland*.

341. Have you returns regularly forwarded to you from the colonies, where stations are protected?—Yes, from every part of the world we get our returns.

342. From Hong Kong, the Straits settlements, Malta, and so on?—Yes, we get returns from every station.

343. What are the stations?—Malta and Hong Kong are protected.

344. And the Straits Settlements?—I am not sure about the Straits Settlements.

345. From Gibraltar?—Not entirely protected.

B 3

346. Do

Sir *W. M. Muir*, M.D.,
K.C.B.

4 July 1879.

Sir W. M.
Meir, M.D.,
K.C.B.

4 July 1879.

Sir Henry Holland—continued.

346. Do you prepare Statistical Returns from the papers sent from the Colonies?—Yes.

347. Are they published?—They are published in the books presented to Parliament every year.

348. Then we shall find in the books the statistical returns?—Yes, the average per 1,000 of all the men suffering from venereal disease, and everything else.

349. I understood you to say that the proportion of secondary syphilis to primary sores is double; is that statement confined to the protected interests?—No, it is not; it is taken generally; constitutional disease is taken over the whole army in the United Kingdom.

350. You do not enter the cases of secondary syphilis in your Reports, because the disease in those cases may have been, in the first instance, contracted outside the protected districts?—Yes, outside.

351. We have heard that there is an examination of the soldier on entering a protected district; would not, as a general rule, cases of secondary syphilis be discovered?—Not necessarily so.

352. I do not say necessarily so; but, as a general rule, would not they be discovered?—I think that they might.

353. Does the fact, if it be a fact, that the proportion of secondary syphilis to primary syphilis is doubled, materially, bear upon the question of the success or non-success of the Acts, if you are not confining the cases to the protected districts?—Yes; it has increased from one to three to one to two since 1874, and we gave the reason for that.

354. Then, in your opinion, the doubling of the numbers has not a very material effect upon the question of the success or non-success of the Acts?—No.

355. Because you have not separated the cases of secondary syphilis in protected districts from those in the unprotected districts?—We have not done it in our Returns.

Mr. Cavendish Bentinck.

356. You have had experience as an army surgeon, have you not?—Yes, I was for a long time in the army, but I have been for the last 20 years in the administrative department; before that I was 16 years an executive officer.

357. Is it your opinion that the presence of prostitutes is consequent upon the assembly of any number of soldiers in any given place?—Where soldiers are, and where money is, there you will always find prostitutes.

358. Do you consider that the greater the number of soldiers, the greater is the number of prostitutes?—Young soldiers.

359. And that has been the case during the whole of your experience?—Yes, you always find that where there are young soldiers and money, prostitutes congregate.

360. That being so, do you consider it an advantage or a disadvantage to the health of the soldiers, that prostitutes should be examined compulsorily?—I think that that is a great advantage; and that the women should be examined compulsorily, and taken into hospital when diseased.

361. In your opinion, if they were not examined compulsorily, the health of the army would suffer in proportion?—Decidedly.

Mr. Cavendish Bentinck—continued.

362. You have served in India, have you not?—I have.

363. In the case of a regiment coming home from India, and being sent immediately on landing to an unprotected station; that is to say, a station where the Acts are not in operation, is it your opinion, that a large number of men would be in hospital in a very short time?—Not with a regiment coming from India as a rule; those men are generally old men; a great many of the men in the regiments in India have volunteered to regiments that remain in the country.

364. Take the case of a regiment coming home from any other place?—I think in recruiting, where there is any recruiting going on of young soldiers, there would be a large amount of disease.

365. By reason of the district being unprotected?—Yes.

366. But if the same soldiers of the regiment went into a protected district, would the amount of disease in the district be greater or less, in your opinion?—Less.

367. Therefore, am I not justified in assuming that, in your opinion, as regards the health of the army, those Acts have been completely successful?—Completely successful.

368. And in your opinion, if they were repealed, the health of the army would suffer greatly?—I believe so.

369. Consequently you advocate the retention of these Acts on the Statute Book in their integrity?—I do.

Colonel Alexander.

370. As to a question put to you by the honourable Member for Halifax, do you go so far as to say that primary sores are presumably not syphilitic?—I cannot say that; I can only say that one-third, probably, would be, and two-thirds not; experience teaches us so.

Mr. Shaw Lefevre.

371. Are the other two-thirds unimportant cases?—We cannot tell when the men come into hospital whether they are or not; but they are nearly always cauterized and treated as important, but a certain proportion of those are followed by secondary symptoms, about one-third of the total number taken in.

372. Then the other two-thirds would be practically unimportant?—No; they may either be dispersed or destroyed by treatment, and the secondary effects do consequently not result.

Mr. Cavendish Bentinck.

373. Do I understand you to say that there are a great number of cases of secondary syphilis, where the sufferer is not aware that he has ever had primary syphilis?—A great many.

374. It constantly happens?—Yes.

375. The secondary syphilis is the first indication of the disease?—Yes.

376. And he may have had syphilis unknown to himself?—Quite so.

377. May I ask whether there are not many cases where the patient conceals the fact of his having a primary syphilitic infection, either for fear of the stoppage of his pay, or for some other reason, and it is only when the secondary syphilis comes

Mr. *Cavendish Bentinck*—continued.

comes out that he is treated in hospital?—Quite so.

378. With regard to the stoppage of pay under the Articles of War, and the Royal Warrant, did I understand you to say that the effect of that Royal Warrant is mischievous in its operation?—I think so.

379. If it rested with you, would you advise it to be withdrawn?—So much so that the year after it came out, I made a strong protest against it, and wrote very strongly against its effects.

380. Have you repeated your protest against it in any form since?—Not lately.

Mr. *Shaw Lefevre*.

381. Have you compared the statistics of the army with those of the navy?—No.

382. Have you taken no pains to compare the results of one profession with the other?—Indirectly I have; but I have never gone into the question carefully.

383. Are you aware that in the navy, gonorrhœa cases are treated very differently?—Men are often on duty with gonorrhœa upon them.

384. Are you aware that gonorrhœa cases have increased very greatly?—No, I am not aware of it.

Sir *W. M. Murr*, M.D.,
K.C.B.

4 July 1879.

EXPLANATORY NOTE.

As there seems some obscurity in the extract from my letter of 1875; indeed, an actual error, which is only apparent with the figures before me, and as it affects very materially other portions of my evidence, notably the answers to Questions 60 to 63, 109 to 111, and 150 to 164, I would explain that the average saving for the five years, 1868 to 1872 (the period referred to in the letter) was, in round numbers, at the 14

stations under the Act, 190 men; and had the same measure of success been obtained at the 14 contrasted stations not under the Act, there would have been a further saving, in round numbers, of 110 men, making a total saving of 300 men. This is independent of any further presumable saving at the remaining stations in the United Kingdom, that are not under the Act.

Thursday, 10th July 1879.

MEMBERS PRESENT :

Colonel Alexander.
Mr. Cavendish Bentinck.
Mr. Bulwer.
Mr. Burt.
Viscount Crichton.
Sir Henry Holland.
Sir Harcourt Johnstone.
Mr. Kavanagh.

Mr. Shaw Lefevre.
Mr. Massey.
Mr. Ernest Noel.
Mr. O'Shaughnessy.
Mr. Stansfeld.
General Shute.
Mr. John Tremayne.

THE RIGHT HON. W. N. MASSEY, IN THE CHAIR.

Mr. ROBERT LAWSON, called in ; and Examined.

Mr. Lawson.
10 July
1879.

Chairman.

385. WHAT is your position in the Army Medical Department?—I am a retired Inspector General of Hospitals.

386. How long did you hold that situation?—As Inspector General, from 1867 to the date of my retirement in 1872.

387. Previously to the year 1867, were you at all concerned in the administration of the Contagious Diseases Acts?—I have been so concerned in every station where I have been.

388. Before you were Inspector General, were you an army surgeon?—I have been an army surgeon since 1835.

389. At Aldershot?—All over the world ; wherever I have been stationed at home or abroad.

390. Where did you act as army surgeon immediately before your appointment as Inspector General?—I was at the Cape, as chief medical officer there.

391. Have you paid very much attention to the statistics of the Contagious Diseases Acts?—I have.

392. You have analysed their working very carefully?—I have analysed their working.

393. You were, I think, stationed at Aldershot, in charge of the Medical Department in the year 1868?—Yes.

394. Did it become your duty in that year to make particular inquiry into the state of the venereal diseases in certain regiments quartered at Aldershot?—It did.

395. How many regiments came under your observation?—My attention was particularly directed to report upon one regiment, but I thought it well to extend the observation to five other infantry regiments and to the artillery.

396. What is the aggregate number of men comprised?—Each regiment had in the average about 630 men, it may have been a few more or less, but that is the average number, and the artillery had about 300.

397. How many regiments?—Six regiments ; that would be 3,780 men, and 300 more of the artillery. That, of course, is only part of the garrison of Aldershot.

Chairman—continued.

398. Those regiments, comprising about 4,000 men, came under your particular observation, with reference to contagious infection, in the year 1868?—At the end of 1868 and beginning of 1869.

399. Over what period did your observation extend?—It extended in the case of one regiment to 29 weeks, in another to 30, in another to 34, and in all the rest to 44 weeks.

400. At that time had the Act of 1866 come into operation at Aldershot?—It was fully in operation then.

401. For what period had it been in operation?—It had commenced in 1866, and gone through all 1867, and through the greater part of 1868 ; these observations commenced towards the end of 1868.

402. Was the Act applied at Aldershot immediately after it was passed?—I think so.

403. In its full efficacy?—I will not say in its full efficacy. I believe it became more stringent a little after ; it was not quite so stringent to commence with as it subsequently became.

404. Do you recollect when the fortnightly examination of women commenced at Aldershot?—I am not prepared to state positively when it was carried out in its full vigour ; I cannot give you a date exactly.

405. In the year 1868 were the women periodically examined?—I think so.

406. Will you state the results of the examination of this regiment comprising 4,000 men, which examination extended over 44 weeks?—The results I now give you will, of course, give the number of venereal cases admitted, reduced in the usual fashion to so many per 1,000 men for one year, to render them comparable one with another. In that case the regiment I was particularly requested to observe had an admission rate of primary sores of 84 per 1,000 for 12 months. The next regiment to the right of it had a return of 42 per 1,000. The one to the right of that again was 124 per 1,000. To the left of this regiment was the artillery, which had an admission rate of 142 per 1,000.

407. There is a vast discrepancy in the state of

Chairman—continued.

of health of these different regiments?—Very great. All these were in the permanent infantry barracks, a line of brick barracks occupied by the infantry and artillery in the South Camp. In the North Camp there were three other regiments. As they were altogether separated from the town, I thought it advisable to extend the examination to them for that reason, and from those I obtained this. One regiment gave an admission rate of 114 per 1,000; another gave an admission rate of 59 per 1,000; and the third one gave an admission rate of 23 per 1,000 only. All were at the same time exposed to the same causes, so far as the operation of the Acts was concerned.

408. These statistics exhibit a most marked discrepancy; in the west block of the camp it seems that the proportion of disease was 124; in the middle block the proportion was only 42; can you account for that discrepancy?—I presume it arises from what is called the traditional history of the regiment. Certain customs prevail in certain regiments, and they go on and continue in those regiments for a very long period. And further, soldiers are somewhat gregarious in their habits, men of the same regiment may have frequented certain parties who are more diseased than others. Again, they may not have been quite so careful of themselves after they had done so. These are all points which I find influence the prevalence of disease amongst soldiers of different regiments.

409. I have understated the discrepancy; the maximum number was 124, and the minimum was 23?—The maximum number is 142, and the minimum 23.

410. For so amazing a discrepancy as that it must surely be possible to account in some way; can you state where the regiments which exhibited the greatest proportion of disease, the regiment in the west block, came from?—I do not recollect at present where it came from before it came to Aldershot.

411. Can you give any statement as to the regiment that had only 23?—That was a regiment that had been, I think, about 12 months or a little more from India.

412. Is the disease more prevalent in the regiments of the line than in the cavalry or otherwise?—They are all varied. The regiments of cavalry present some large ratios and some small ratios, just as these infantry regiments have done.

413. Do you know whether it was the practice to examine the men in either of these regiments comprised in this last list?—In some regiments they took considerable trouble, as they thought to secure a low venereal-list; and strange as it may appear, I found nearly that those were the regiments that presented the highest ratios.

414. The regiments which were best taken care of?—No, I do not say that; those who took apparently most precaution. To give an instance: in the North Camp, in the case of the regiment with 114 admissions, the medical officer was a very efficient medical officer, and took a great deal of care, but the men were inclined to be wayward. In the next regiment with 59, with also a very careful medical man, they had a system of night ablution in the regiment, to which the medical officer and commanding officer attributed the very low rate in comparison with the other regiment; but I went to the third regiment, the medical officer of which was also a

0.116.

Chairman—continued.

most careful man, and the regiment in thorough order; he had no system of night ablution at all, and yet he had less than half the rate of the regiment beside him.

415. The regiment which had night ablution was in a more diseased state than the regiment which had not?—Of these two. Similarly in the regiment in the west block they had a system, whether it was vigorously carried out or not I cannot tell, but they had a system that every man that returned to barracks after 9 o'clock, or after tattoo, which would be half-past 9, should go into the guard-room, and he had the means of ablution there. But notwithstanding that, the rate was up to 124 per 1,000. In the next regiment to that they had no such system, yet the rate was only 42 per 1,000. It depends vastly upon the customs which exist among the men in the regiment, which one has a difficulty in ascertaining. You cannot get at it except by getting some staid non-commissioned officer to confide it to you. It is a difference in the habit of the men which I believe is greatly the cause of it, and also the gregarious habits of the men that induce those of one regiment to resort very much with a limited number of females.

416. Is there any difference between the habits of men coming from foreign service and men in garrison in the United Kingdom?—As a general rule, the regiments which are in England and Wales contain a greater number of young men. A regiment that has been in foreign service naturally has a greater number of old soldiers, and, generally speaking, they are more careful, and less given to this sort of thing than younger men; but even that will not account for all the difference.

417. Do these figures exhibit the state of these regiments at the time when you first inspected them?—No; these figures are the results taken from the weekly returns as they came into me for a period of 44 weeks in succession. The returns were taken the two months before I got the order to examine into this particular regiment to see what they were for the two months previously, and they were subsequently continued by me on for the periods mentioned.

418. Then they are average returns?—They are average returns.

419. Now, to take you to the last authentic report which we have before us, the Report of 1877, in the 14 stations under the Act, what was the proportion per 1,000 of diseased men in 1860, before any Act was passed, in those 14 stations which are now now under protection?—One hundred and forty-six.

420. That is, in the stations now under the Acts, 146 per 1,000 were diseased in 1860?—From primary venereal sores.

421. And in those not under the Acts, what was the proportion?—Those not under the Acts, as given in this Return for 1860, did not include London, but London is included from 1867 onwards. In the comparisons I have made, to give a fair comparison, I thought it necessary to include London, and the number I will now give is that including London. The number then was 133 for 1860, including London.

422. May I take it that before any Acts were passed, the state of disease in the stations now governed by the Acts, and the state of disease in the stations outside the Acts, exhibit no appreciable difference?—There was a difference.

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423. There

Mr. Lawson.

10 July
1879.

*Mr. Lawson.*10 July
1879.*Chairman—continued.*

423. There was a difference, of course, as a matter of fact, but no difference which can be accounted for?—Further than that, these were the differences in the aggregate of the stations, because there is a good deal in stations; there is something in the character of the stations which defines the amount of disease in them; at least, we find a particular form of disease associated with certain stations to some extent.

424. The state of affairs in 1860, before legislation, was that there was 146 per 1,000 in the garrison towns now governed by the Acts, and 133 in those which are not now under the Acts?—Yes.

425. Those are primary sores only?—Primary sores only.

426. We have got now roughly the proportion of disease in the army at a period anterior to legislation; in 1866, was any diminution in these numbers ascertained?—There was a very great diminution in the numbers in 1866; in the stations under the Acts it had decreased from 146 to 87, and in the stations not under the Acts, where, of course, there was no interference with the natural course of the disease, it had fallen as low as 98. I must remark that this Return which the Honourable Member for Halifax has referred to, is the same as in the Army Blue Book for 1877; I have added to it the sickness for London, to make the comparison between the periods from 1860 to 1866 fairly agree with that from 1867 onwards, where London is included, and the numbers I give are including London, not as here specified, which is a copy of the Blue Book.

Mr. Ernest Noel.

427. Therefore the number is 98?—Ninety-eight, including London.

Mr. Stansfeld.

428. These numbers have never been published, and there is a note in the Army Report of 1877 to this effect, that Windsor and London are excluded, as the returns for those years do not afford the necessary information; has your attention been called to that?—Perfectly. The explanation I offer of that is this: If you refer to the Army Report of 1873 you will find a copy up to 1873 inclusive, the figures being the same as in the Return for 1877. But at page 429 of the same book, that is for 1873, you find the facts for London given separate from the other 13 stations, and I have simply added those facts to the 13 stations to obtain the results I now put before the Committee.

Chairman.

429. There are now 14 stations under the Act?—There are 14 stations under the Act, and 14 not under it.

Mr. Cavendish Bentinck.

430. That is including London?—The 14 include London. I merely added the facts from the other table, page 429 of the Blue Book of 1873, to those given for the 13 stations to make up the numbers I put before the Committee.

Chairman.

431. In 1867 was there a change observable?—In 1867 there was a great increase in the stations not under the Acts, and there was a slight increase at those under the Acts. The increase at

Chairman—continued.

the stations not under the Acts was to 115, and at those under the Acts to 91.

432. Up to what date is that?—That is for the year 1867 alone.

433. In 1871 what was the figure?—In 1871, after considerable fluctuations in the intermediate years, the ratio for the stations not under the Acts had fallen again to 93, and under the Acts it was 52.

434. At that time the Act had been in full operation at all the stations, as we find by a note appended to this Return?—Yes.

435. So that the Return of the year 1871 exhibits the full working of the Acts?—Yes.

436. At what time was the order stopping the pay of the men when they were diseased?—That came into force after I retired from the service; it was about November 1873. I cannot speak precisely as to the date.

437. Then you have no practical experience of the effect of Lord Cardwell's order?—No practical experience.

438. Have you attended to the statistics of the working of the Contagious Diseases Acts since 1873?—I have looked at them as far as the details in the Blue Books will permit. They have been rather circumscribed after 1873. So far as those will permit me, I have done so. I have made some inquiries besides, occasionally.

439. Before any legislation was applied to this subject, was there not a marked fluctuation in the state of disease?—Yes, a very great fluctuation.

439.* For a series of years before?—The returns of the stations not under the Acts show that fluctuation. They went from 133 in 1860 down to 107 in 1862, up to 122 in 1864, down to 98 in 1866. They then rose, and attained 128 in 1869 down to 93 in 1871, and in 1872 they were 123 again. They are constantly and largely fluctuating. I have prepared here a return from some old statistical works, showing the fluctuations of the disease amongst the Dragoon Guards and the Dragoons of the United Kingdom from 1830 to 1847; also amongst the Foot Guards from 1837 to 1847, the only available periods, and these show extensive fluctuations of the same description.

440. The extreme points being 108 in 1843 and 62 in 1837 of primary sores?—Sixty in 1840–41 was the lowest point amongst the cavalry, and 108 in 1843–44 was the highest point, but there are many other fluctuations during the period.

441. That is during the period of 17 years there was a fluctuation varying from 62 to 108?—Yes.

442. Have you formed any opinion as to the number of years that you must take in your calculation for the purpose of establishing an intelligible average?—Certainly. Under the extreme fluctuations I have been mentioning, it is necessary to take a number of years which will enable you to neutralize those fluctuations in either direction of the mean point, and I find that taking the years 1861 to 1866, that is six years, the stations not under the Acts gave a mean of 114.1.

Mr. Shaw Lefevre.

443. Is that only for venereal sores?—For primary venereal sores alone. Taking the next six years, from 1867 to 1872 inclusive, which is a continuous period without any break, I find that the

Mr. Shaw Lefevre—continued.

the average number was 113·5, a difference of 6-10ths, but practically the same. In two continuous periods of six years, one is 114 per 1,000, and the next is 113·5 per 1,000; practically it is the same number. They show that the existence of the disease over the country, so far as we can obtain it from a consideration of these stations, was really the same in both periods, the mean of it was the same.

Chairman.

444. Do you think it is necessary to take a number of years for the purpose of arriving at an average, on account of the obscure disturbing causes for which you cannot account?—Certainly.

445. Has your attention, or the attention of any of your professional brethren connected with the army, been addressed to these very remarkable discrepancies which exist in several years in the state of disease?—My own attention has been directed to it strongly; I believe I was one of the first to point out its existence.

446. Have you ever been satisfied yourself as to the reason of it?—I cannot satisfy myself as to the cause of it; it is an exactly similar fluctuation to what we find in small-pox or measles, or any epidemic disease; it presents itself at one time with much greater force than another, but we can recognise the fact.

447. Is the infecting quality of the disease subject to fluctuations and to differences at different periods for which you cannot account?—It is difficult to say whether it is the infecting quality of the disease, or whether it is that the individuals are more subject to the disease, for some cause which we do not know; take small-pox, for instance, we know that the infecting quality of the matter of small-pox is virtually the same at every time; but at some times we find it bursts forth as a severe epidemic, where at other times it is latent; we find that those periods of latency and epidemicity spread over a large extent of country; they are not confined to one place, but extend to perhaps half the Continent of Europe and England at the same time.

448. So that at some periods contagion, as regards venereal disease, is more apt to be communicated than at others?—It seems to be so.

449. Taking the period of six years which you have adopted, taking the period from 1861 to 1866, which is the period immediately before legislation, what was the ratio of primary sores in the 14 stations, there being no legislation?—The 14 stations that subsequently came under the Acts?

450. Yes; I am taking now from 1861 to 1866?—The mean ratio for those six years at the stations that came under the Acts was 109·7 per 1,000.

451. During the six years from 1867 to 1872, when the Acts were partially and fully in operation, what was the ratio?—The ratio had then diminished to 65·4.

452. Then that is the latest period to which you have been able to apply your statistical tests without the disturbing cause of Lord Cardwell's order?—It is.

453. Can you tell me the admissions, from 1860 to 1863, of primary venereal sores into hospital, at stations outside the Acts, of course; there were no Acts then?—The admissions from 1860

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Chairman—continued.

to 1863, at stations outside the Acts, were 122 per 1,000, including London.

454. That was before any legislation?—Yes.

455. From 1870 to 1873?—They were 108.

456. Eighteen hundred and seventy being the year in which the Acts first came into full operation, they were reduced to 108 in the three years, from 1870 to 1873, inclusive?—Yes.

457. In the stations which subsequently came under the effect of the Acts, what was the average admission-rate from 1860 to 1863?—One hundred and thirty per thousand.

458. What was the average rate from 1870 to 1873, after the Acts had been applied?—Fifty-two per thousand only.

459. From 1870 to 1873, after the Acts had been in full operation, there was a reduction of 60 per cent. according to your figures?—Sixty per cent. on the quantities in the original period.

460. The period expiring immediately before the Acts came into operation?—Eighteen hundred and sixty to 1863. Taking that, and taking the figures for 1870 to 1873, the reduction is 60 per cent. of the first number.

461. I have taken you from 1863 to 1870, an interval of seven years which is unaccounted for; during those seven years, and during the period previous to those seven years, is it within your professional experience that there was a diminution in venereal disease throughout the country?—The ratio of venereal disease throughout the country in the last period from 1870 to 1873 would be indicated by the 108; in the first period by the 122, at the stations not under the Acts, and the reduction between those two periods is only equal to 11 per cent. It is a reduction of 14; only equal to 11 per cent. of the original quantity.

462. Had there not for a series of years before the Acts were passed, been observable a positive diminution in venereal affections?—There had been a great fluctuation, but I do not think there was any positive diminution; on the contrary, from the statement I have already made, taking the two periods of six years from 1861 to 1866, there is 114·1 at the stations not under the Acts, and from 1867 to 1872, which is a continuous period, we had only 113·5, which would show that the numbers were virtually the same, or the incidence of the disease was virtually the same in both periods.

463. Now I will take you to the more serious form of the disease, syphilis; what is the proportion of cases of primary sores which develop into secondary syphilis?—Taking the whole returns of the army from 1861 to 1872, there is a strength of 857,378 men; and in these, during the whole of that period there was a number of admissions from primary sores of 73,238. The secondary cases in the same period were 24,742. Reducing those to the ratios per thousand, the primaries were in the ratio of 85·4 per 1,000; the secondaries in the ratio of 28·9 per 1,000, which is as near as possible three primary to every secondary case.

464. Do those proportions hold when you take shorter periods?—They hold when we take shorter periods, until we come to the period when the stoppage of the pay interfered with our results.

465. And you find that that has upset all your calculations?—That upsets all the calculations. I may state the shorter periods, for the information of the Committee. Taking the period from

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Mr. Lawson.

10 July
1879.

Mr. Lawson.

10 July
1879.

Chairman—continued.

1861 to 1872, and dividing it into periods of three years each, I find that from 1861 to 1863 the primary sores were 108·3 per 1,000; the secondaries were 34·3 per 1,000, which is 32 per cent. of the primaries. From 1864 to 1866, inclusive, the primary sores were 86·2 per 1,000.

Mr. Stansfeld.

466. Is this throughout the whole army?—Throughout the whole army, at least that portion of it of which we have the returns. The secondary syphilis is taken on the return of the whole army. The primaries were 86·2; the secondaries were 29·9; that is 35 per cent. of the primaries. In 1867 to 1869 the primary sores were 82·9; the secondaries 28·7; that is 35 per cent. of the primaries. In 1870 to 1872 the primary sores were 65·4 per 1,000; the secondaries 23·1 per 1,000; that, again, is 35 per cent. of the primary sores. In 1873 to 1875, which is continuing the thing after the operation of the stoppage of pay, the primary sores were 54·4 per 1,000, the secondaries 25·5 per 1,000, or 47 per cent. In 1876 and 1878 the primaries were 52·4 per 1,000; the secondaries were 25·8 per 1,000, or 49 per cent.

Chairman.

467. To what do you attribute the large increase in the percentages of secondary as compared with primary diseases from the year 1873?—I apprehend that a number of the primary cases have not been reported.

468. That is owing to Lord Cardwell's order?—Owing to his order.

469. You would account for the increase in the secondary disease to the primary disease not being treated, and having developed into secondary disease?—That, no doubt, is one element in it.

470. What other element is there?—I understand it has become the practice in the service, as the men are very anxious to save their pay, that whenever the primary sore, for which the man is fined, is healed, he is discharged as a primary case; still sequelæ may exist, and that will have the effect of reducing the periods that primary cases show in hospital, but may lead to an increase of certain small sequelæ being reported under other names, which previously were considered as the result of the primary case, and not returned as secondary.

471. Do I understand you to say that when a man is discharged with the primary disease superficially cured, he is still retained in hospital on account of secondary symptoms?—It is so; the primary sore is healed; then what sequela he has is retained under a different name; that has already been the practice with regard to secondary symptoms, though perhaps it was not so often done as it is now.

Mr. Stansfeld.

472. Are the facts you are now stating sufficient, practically, to affect the return?—I merely give you the information as I have got it; without being on the spot, and tracing out the facts very particularly, I could not tell whether they were sufficient to seriously affect the returns or not; I cannot tell without examining special details.

Chairman.

473. With regard to the stoppage of pay, if a man goes into hospital, and is under treatment

Chairman—continued.

for primary sores, his pay is suspended?—I believe it is.

474. And if he goes into hospital for secondary symptoms the same thing occurs?—No, only for primary.

475. If he is in the hospital under treatment for secondary symptoms his pay goes on?—His pay goes on.

476. Then the operation of this order is an inducement to the men to conceal the primary affection?—No doubt it has that effect.

477. Is the effect of that concealment to produce secondary syphilis?—It will increase the quantity of secondary syphilis undoubtedly, because, with several of those sores, if they are met with at once, and treated vigorously at once, you could greatly reduce the chance of their leading to secondary syphilis; they would not have time to develop, so as to affect the constitution so thoroughly, if you destroy the sore at once the moment it appears.

478. The effect of the neglect of dealing with the primary sore is not necessarily secondary symptoms?—Not in every case; but where there is a disposition to it, of course it increases the chance of it.

479. With regard to Lord Cardwell's warrant, we wish distinctly to understand to what it applies; am I right in saying that it applies to primary sores, and to gonorrhœa, but not to syphilis?—Practically, I understand that is the way in which it is applied.

480. That is the way in which it is interpreted by the profession?—Yes; not to secondary symptoms but to primary sores.

481. The secondary symptom being consequential?—Yes.

482. It is only for disease caused primarily by the misconduct of the man that his pay is stopped?—Yes.

483. Now I was taking you, with reference to secondary syphilis, to the figures from 1861 to 1866, before legislation, what were the figures for that period?—The admissions from 1861 to 1866 were 32·4 per 1,000.

484. From 1867 to 1872?—It is 25·6 per 1,000.

485. That is up to the period when Lord Cardwell's order came out?—Yes.

486. What was the proportion from 1867 to 1872, when the Acts were in operation without any disturbing cause?—25·6.

487. From 1873 to 1878, during which Lord Cardwell's order was in operation, what was the figure?—The figures are again 25·6.

Mr. Stansfeld.

488. Is this throughout the army?—Throughout the army.

Chairman.

489. There is no difference before the six years before Lord Cardwell's order and the six years subsequent to it?—They are exactly the same.

490. Is that because it is impossible for the man to conceal secondary syphilis?—No, those are the numbers that have come up. A man has no object in concealing secondary disease; his pay is not stopped for it. Those are the numbers that appear in the returns as having come under treatment.

491. What I want to ascertain is, at what period

Chairman—continued.

period is the man's condition of disease necessarily discovered; is he incapable of doing his duty when he is affected with secondary syphilis?—He may be able to do some work, but with most men when they discover they are really affected, or the surgeon detects them, he will take them to hospital and put them under treatment at once.

492. As a matter of fact, when the disease has advanced to the secondary stage, do the men go into hospital?—Generally speaking.

493. It would seem, by the returns which you have just given us, that they do?—Yes.

494. With or without disturbing causes?—They have no object in remaining out of it.

495. Because their pay is not stopped?—Their pay is not stopped.

496. Now I take you to gonorrhœa. It has been frequently stated, and as far as I know not materially disputed, that the operation of these Acts as regards gonorrhœa is hardly perceptible?—It has always appeared to me that that was a misapprehension and a misinterpretation of the returns.

497. Will you be good enough to state the grounds which you have for believing that the Acts have been efficient as regards the diminution of gonorrhœa?—If we take the period 1860 to 1863, which is previously referred to, and take the stations never under the Acts—

498. There was no Act then?—There are 14 stations which have never come under the Acts, and they have been made use of to show the incidence of the disease in the country; that is the purpose to which I am now applying them. At these stations, including London, the admission rate of gonorrhœa was 112 per 1,000 on an average of four years. From 1870 to 1873, inclusive, the admission rate at the same stations was 101. That is a diminution of 11 between those two periods. At the stations under the Acts, the admission rate from 1860 to 1863, before legislation of course, was 135; from 1870 to 1873 it was 101. That is a difference of 34. The 11 in the first case represents 9 per cent. reduction; the 34 in the other case represents 25 per cent. reduction. There is a balance in favour of the Acts of 16 per cent.

499. Is that so; in the unprotected districts the average from 1870 to 1873 in the districts which have never been touched by the Acts was 101 per 1,000; after the Acts had been operating in the protected districts it was 101 per 1,000, just the same?—The same; but we must compare the amount of disease in the one class of districts at one period with the same class of districts at another period. Because it is found that in London, for instance, gonorrhœa is not nearly so frequent in comparison to the primary sores, as it is in other stations. We must keep that peculiarity in view, so that the disease at the stations never under the Acts can only be employed in this inquiry for the purpose of showing the incidence of the disease in the country where it is not interfered with; and if we find a smaller reduction there, and a greater reduction in the other, the one shows the actual change of disease due to alteration of the incidence of the disease, and the increased reduction in the other shows how much greater reduction has taken place there under the Acts than in the country at large, where they are not in operation. It has been the practice to compare di-

0.116.

Chairman—continued.

rectly, as from 1870 to 1873, the disease in the stations under the Acts with those not under the Acts, and that, I believe, is what has led to the misapprehension. If at one class of stations there are 112 prevalent, and it reduces it only to 101, clearly the reduction is much less than at another class of stations where there is 135 prevalent in the first instance, and that has come down to 101.

500. Were returns called for from the stations under the Acts early in 1868?—Yes, returns were called for from the stations at that time of all the cases that were imported to the stations; that were contracted by men outside the district in which the Act was in force.

501. At that time in 1868 when those returns were called for, were you at Aldershot?—I was.

502. Had you anything to do with compiling those returns?—They were compiled in my office, under my superintendence.

503. Have you got them?—I have not got the returns themselves. I have merely noted the results in the reports. I have taken them from that. I have not got the original returns; they are all in London.

504. Does the period to which you desire to speak terminate in 1868 as regards Aldershot?—No, it was continued from that up to the end of 1871.

505. Then you are conversant with the state of affairs in Aldershot up to 1871?—Yes; I was in charge there up to the middle of 1872.

506. What was the mean admission at Aldershot Station from primary sores at that period?—The mean admission at Aldershot from April 1868 to 31st December 1871, was 66·8 per 1,000.

507. You spoke of imported cases; what do you mean by imported cases?—The returns I alluded to were to show the effects of examining all men who came to the station, and they were of this nature: every man who was absent from the station three days, whether on duty or on furlough, or for any other reason, or who joined the station for the first time, was examined by a medical officer, to see whether he was clear from disease.

508. Was that the order at Aldershot at that time?—That was the order at Aldershot at that time.

509. That every soldier coming into the district, who did not belong to the force at Aldershot, was examined?—Whether he belonged to the force or no; if he had been absent three days, the order was to examine him when he came back.

510. What proportion of disease did these men import?—We found out that upon the period I have given you, the imported cases averaged 18·8 per 1,000.

Mr. Stansfeld.

511. Are they a part of the 66·8?—They are.

Chairman.

512. That would leave 48 as the number contracted at the station?—Yes; to that it was necessary to add two small corrections: 1·40th of the men on an average were absent on furlough, and if they had been present we may reckon they would have given a proportionately greater amount of disease; it is necessary to add 1·40th to show the effect of their presence.

513. Those men, if present, would have contracted their proportion of disease?—Yes.

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514. A proportion

Mr. Lawson.

10 July
1879.

Mr. Lawson.

10 July
1879.

Sir Harscourt Johnston.

514. A proportion of the 18 or the 66?—A proportion of the 48; as a certain number of cases might exist, when the regiment left, in a quiescent state before they were developed, it is necessary to add something for them; I have taken it that every man who left within a fortnight from the station may not have had his disease developed; I do not mean to say that that is really the case, but I have made that allowance to cover the thing fully.

Chairman.

515. According to that estimate the proportion is raised from 48 to 51?—Making those two allowances the proportion is raised from 48 to 51·2. That gives a reduction upon the primary venereal sores of 15·6 less than the returns really showed. That is the proper quantity under the operation of the Acts at the station less than the returns really showed.

516. As regards gonorrhœa, what are the figures?—As regards gonorrhœa for the same period, the mean admission rate at Aldershot was 95·2, the imported cases were 23·4, leaving 71·8, as the approximate number. To these we have to add for furlong 1·8, and for possible exportation 2·8, leaving the actual number under the operation of the Contagious Diseases Acts at 76·4. That would be a reduction of 21 per cent. of gonorrhœa, and 23 per cent. reduction on the primary sores. If these allowances had been made and the imported cases allowed for in the returns, the actual amount of sores at Aldershot during this period, instead of being 66·8, as it appears in the returns, would have been 51·2 per thousand; and for gonorrhœa it would be 76·4 per thousand, instead of 95·2. These I look upon as the real correct estimates of what were due to the operation of the Contagious Diseases Acts at that station for that period.

517. You have spoken of Lord Cardwell's order as disturbing your calculations; is there not also another disturbing cause, the constant influx of new regiments and recruits into protected stations?—All those would come under what I have been mentioning. No doubt these people do come in, and many of them have disease, and it is from these recruits and new regiments that the imported cases I have been alluding to are derived. Whenever a regiment came to the station it was examined exactly the same as recruits were.

Mr. Kavanagh.

518. You were telling us about the state of disease in these regiments; in the 4,000 men at Aldershot, you said there was a great discrepancy between two regiments living side by side. I think the maximum was 143 and the minimum 23?—Yes.

519. Was the periodical examination of women carried on then?—Yes, I think so.

520. And as strictly with regard to the women used by one regiment as another?—They are all subjected to the same order, whatever order is existing at the time.

521. Would that at all, in your opinion, show that the periodical examination of women cannot be of much use?—No, I should not like to say that, because a woman may get disease between one inspection and another, and may spread a great deal of disease between the two inspections.

Mr. Kavanagh—continued.

522. Is it not a very curious thing that such a discrepancy should exist between the disease in two regiments side by side?—I admit it is a very curious thing, and I was very much surprised to find it; but it was a fact there was no ignoring.

523. There was no difference, of course, in the inspection of the women used by these different regiments?—They are all inspected by the same person.

524. And as constantly and regularly?—All equally regularly.

525. One question about Lord Cardwell's order: is it your opinion that the, I may say, almost direct effect of it was to increase the cases of secondary syphilis?—Not the direct effect, properly speaking, but by inducing the men to hesitate to come forward to report themselves; it gives time for the disease, that might be stopped as sores, going on and affecting the constitution.

526. I gather from the figures you gave (perhaps I took them wrongly), that the returns per cent. of secondary symptoms, as compared with primary, after Lord Cardwell's order, remained the same as before?—The actual number returned are the same as in the previous six years.

527. Then that would rather go to prove the opposite, would not it, that his order had no effect in increasing syphilis?—His order might have an effect in increasing the secondary symptoms; there might have been possibly a diminution in the incidence of the disease which the primary cases we have returned under his order does not enable us to detect; the concealment of the primary cases prevents us detecting whether there was a diminution in the original disease.

General Shute.

528. With reference to these regiments you talked of in the west and east block, may I ask, was it the regiment quartered in the block nearest the town in which that which you referred to occurred?—All the blocks are equally near the town.

529. No, not the cavalry barracks or the permanent barracks?—These are the infantry barracks.

530. Not the permanent infantry barracks?—They are as near as the other; it was the permanent blocks and the infantry barracks.

531. You say certain of those regiments are most specially looked after, both by their surgeons and colonels, with reference to the venereal disease; were all those regiments weekly inspected by the surgeon?—No.

532. None of them?—I do not think any of them; the order for weekly inspection had ceased long before that.

533. Still you are aware, are you not, that where commanding officers wish it, it is considered so important that very few surgeons refuse to carry it out?—Undoubtedly.

534. I do not consider a regiment looked after where that is not the case?—I do not think they were any of them looked after particularly as regards weekly inspection of the total number of men.

535. Now that short service has produced its full influence on the age of the army, do not you think, from two causes to which I shall presently refer, it is possible that there would be an inclination to increase instead of decrease the amount both of gonorrhœa and syphilis; youth is favourable to it, is it not?—I think it is favourable; younger

General Shute—continued.

younger men are naturally rather apt to indulge more.

536. Very young men are, of course, much more liable to temptation than older men?—Yes.

537. Is it not also the case that very young men are more susceptible of the disease, that is to say, that with regard to gonorrhœa, the mucous membrane is more susceptible to any inflammatory action?—Generally that is believed to be the case.

538. Is it not also the case that from the skin being more delicate, they are also more liable to excoriation?—That is generally believed to be the case.

539. Therefore we ought rather to suppose that of late years there would have been, particularly at Aldershot, an increase rather than a decrease both of gonorrhœa and syphilis?—Yes, one would expect so from the usual course of things.

540. Taking those extraordinary fluctuations to which you referred, do you think it possible that in a very wet winter or summer, when the men are less out of barracks, there would probably be less disease?—Of course; if the weather is better they can lie about outside in a way they cannot do when the weather is bad.

541. It is a fact, is it not, that in certain large towns not under the Act, the disease has increased of late years to a certain amount?—Yes.

542. Is it not also a fact that the large garrison towns being under the Act, other towns of the country benefit by it; for instance, do not you think it possible that a vast amount of gonorrhœa and venereal disease which exists in Brighton comes from London?—That is a point upon which I cannot speak positively.

543. You would agree that if London were under the Act, a place like Brighton, which is in more particular and immediate communication with reference to this class of women, would much benefit by it?—I have no doubt it would.

544. Therefore, if the Act has been beneficial at all, it has not only been beneficial in the towns under the Act, but in the towns in the neighbourhood of these towns that have been under the Act?—It has been beneficial to the neighbourhood, as we found at Aldershot and elsewhere; at least, it has been found that numbers of females affected with the disease come there from stations not under the Act for the express purpose of getting cured.

545. You have probably been quartered about in different towns in England and Ireland?—I have been in Ireland, not much in England.

546. Have you ever known as a fact that, generally speaking, the female population of the towns are most immoral where you see the fewest professional prostitutes?—I have not been sufficiently quartered in the large towns to say that.

547. As far as these towns go, has the Act been a serious check on clandestine prostitution?—That I have not had an opportunity of learning.

548. Do you think it would be advisable to substitute a carefully instructed woman surgeon for the examination surgeon now appointed with reference to examining women?—It might do away with certain parts of the opposition to the examination.

549. Have you any suggestions as to making new laws, amending old laws, or enforcing laws already made, which if adopted by the Govern-

General Shute—continued.

ment, would tend to diminish prostitution; perhaps that is hardly within your province?—It is a point which is a great deal too complicated for me to give an opinion upon.

Mr. Stansfeld.

550. With reference to the last question, as to the possible advantage of appointing a woman examining surgeon under the Contagious Diseases Acts, do you think you would find a woman surgeon to accept such a post?—I really cannot say. I do not know anything about it.

551. You began by giving us some evidence of very great interest as it seemed to me with reference to the great variety in the proportion of disease at Aldershot in the year 1868, between different regiments stationed close together under entirely the same conditions, as far as the Contagious Diseases Acts were concerned?—Yes.

552. I take it that those very facts which you have given us in evidence to-day, must have conveyed to your own mind the conclusion that the amount of disease amongst soldiers in the army, depends largely upon other considerations besides the operation of the Contagious Diseases Acts?—It no doubt is affected by other considerations.

553. I think you stated that having regard to those figures, which average from, I think you said, 23 to 142 under identical conditions as far as the examination of women is concerned, those great averages depended really, in your own opinion, mainly, as far as you could judge, on the habits of the various regiments?—It depended a good deal, I do not say altogether.

554. You touched upon other causes, for instance, personal cleanliness, which is generally supposed to be operative in reducing the amount of primary sores?—Yes.

555. But you said that was not conclusive, because some figures show that you could not build upon that fact alone, but that on the whole, if I understood you rightly, the fact which was clearest to your mind was that those great disparities depended very much upon the habits of the soldiers themselves?—A good deal on the habits of the soldiers themselves, but a very important part is personal cleanliness which the individual adopts at the proper period. That is one of the important causes of the difference between different regiments, I fancy.

556. Therefore these extreme divergencies, far more extreme than you had between stations under the Acts and stations not under the Acts, you would account for by the habits of the soldier, the amount of his viciousness, and the amount of his cleanliness?—The cleanliness is one point. There are various other things, and I confess I cannot lay my finger upon the whole of them.

557. In fact, it essentially depends on the character of the men rather than upon the examination of the women?—No; the examination of the women affects the large mass of the camp. We cannot possibly shut our eyes to the advantage derived from that.

558. You have two regiments; in one case the admissions per 1,000 for primary sores are 23 and a decimal, and in another case they are 142. I ask you what is the cause of that difference. The cause of that difference is not the examination of the women, which is common to the two cases; you must seek the cause elsewhere?—Yes.

559. And the cause of that great difference, you imagine, would exist in the amount of virtue

Mr. Lawson.

10 July
1879.

Mr. Lawson.

10 July
1879.

Mr. Stansfeld—continued.

or vice of the men themselves, and in the amount of their cleanliness or their want of attention to cleanliness?—Those are important points.

560. You gave us some figures with regard to London, and I could not follow them very clearly; it is not easy to follow those alterations; as I understand, in the year 1877 the Army Report says that London is excluded before the year 1867, as the returns for those previous years do not afford the necessary information. Then you turned to the Army Report for 1873, and you said that that did give the necessary information?—Yes.

561. Then you think that that note in the Army Report of 1877 is an inaccurate statement?—The note was inserted in the Medical Report, I believe, because they could not separate Windsor from London up to 1866.

562. Have you separated Windsor from London?—I have not, and I do not think it is necessary to separate it, because the force at Windsor never exceeded, or at least was on the average about 1-7th of the total force at the two stations, and up to the period that is there mentioned, before the Acts came in force, the prevalence of disease, so far as I have been able to find out, was the same at Windsor as at London; there was no appreciable difference. Therefore no statistical error would take place by including Windsor with these stations up to 1866; the ratio of disease would not be affected.

563. As a matter of fact, therefore, in correcting the Army Return for 1877, you have not inserted the figures for London before 1867 on one side and for Windsor on the other, but you have put the figures for Windsor and London on one side only, and you have put them together?—I have put them together because I could not separate them.

564. Therefore the figures you have given us are not the figures resulting from the addition of London, but from the addition of London and Windsor?—London and Windsor.

565. As a matter of fact, Windsor is a subjected station?—Windsor is now a subjected station, but at that time it was not, neither did the prevalence of disease existing in Windsor differ from that in London.

566. The table of the Army Report for 1877 gives two classes of 14 stations, one being those successively brought under the Acts, and one of the 14 large stations not under the Acts?—Yes.

567. Windsor was ultimately brought under the Acts?—Yes.

568. Therefore, it ought to belong to that category, and not to the other. Did you get the figures for London and Windsor for the whole period from 1860 to 1866?—I have them elsewhere.

569. In the Army Medical Report for 1873, to which you referred us, they are only given for the years 1860 to 1863?—Quite so; and as I made use of them to illustrate a question from 1860 to 1863, it was not necessary for me to do more at that moment than to refer to them. Of course the figures for 1864, 1865, and 1866, I have from other returns.

570. From Returns laid before Parliament?—I think so.

571. Could you refer me to them?—I cannot lay my fingers on them now, but I will get a reference to them.

572. Now let us come to secondary syphilis:

Mr. Stansfeld—continued.

you have given us some important figures there. I understand from you that, in the year 1861, before the Acts, the proportion of secondary syphilis to primary sores was 32 per cent.?—Yes.

573. Then you come to the operation of the Acts, and from 1864 to 1872 you have an average of 35 per cent.?—I have not included 1864 to 1872 in any group I have given.

574. I will take it by steps. The fact is, the three next are 35 per cent. I am taking them together?—Are you alluding to the figures for the three yearly periods?

575. Yes. I will put it in this way. You then give us three other periods, from 1864 to 1866, from 1867 to 1869, and from 1870 to 1872?—Allow me to mention that we are getting into confusion. The periods in which 32.4 are concerned are six yearly periods; the period from 1863 to 1866 is a three-yearly period.

576. I took your statement from 1861 to 1863 inclusive. You told us that the primary sores were 108.3 per 1,000; secondary syphilis, 34.3; and the proportion was 32 per cent. of secondary to primary?—That is quite right.

577. From 1864 to 1866 you gave us figures which ultimated in this, that the proportion of secondary syphilis was 35 per cent. of primary?—Yes.

578. From 1867 to 1869 there was the same proportion of 35 per cent.?—Yes.

579. And from 1870 to 1872 there is the same proportion of 35 per cent. of primary?—Yes.

580. Therefore, during those periods of the gradual enforcement of the Acts, the proportion of secondary syphilis to primary sores had risen 3 per cent.?—No.

581. From 32 it had risen to 35?—It had risen from 32 in the first period to 35 per cent. in the next following period.

582. Then you come to the period 1873 to 1875, after Lord Cardwell's order, and you get a proportion of 47 per cent.?—Yes.

583. Then you come to 1876 to 1878, and you get a proportion of 49 per cent.?—Yes.

584. That is very nearly one-half?—Yes.

585. So that during that period of time, whatever decrease there has been, has apparently been a decrease in primary sores, and not in secondary syphilis; does not that follow?—Yes; but we cannot, of course, depend upon these primary sores at that period. We cannot establish any trustworthy conclusion from them.

586. You told us very plainly that since the year 1873 the returns of admissions to hospitals in respect to primary sores are not to be taken as a measure of the number of primary sores existing in the Army?—No.

587. Therefore, as far as returns available for use are concerned, you are not prepared to say that the primary sores have not risen since the year 1873?—Quite so.

588. With reference to gonorrhœa, that has risen since Lord Cardwell's Act, in spite of concealment, has it not?—In the Return for 1877, in fact from 1873 onwards, it fluctuated; and it had risen considerably in 1878. It appears to have been up to 117 in the stations not under the Acts. In the stations under the Acts it has been the same in 1876 and 1877.

589. As a matter of fact, in spite of concealment, gonorrhœa has not diminished either under the Acts, or outside the Acts, since Lord Cardwell's

Mr. Stansfeld—continued.

well's order?—Yes, it has diminished. In 1873 the return was 82; in 1875 it was 58; and in the next two years it was 68 and 68; all of them under that of 1873.

590. What I say is this, that since the first operation of Lord Cardwell's order, you have, on the whole, a rise in gonorrhœa, in spite of that concealment?—I should not say a rise as compared with any previous period, except that there is certainly a marked rise in 1877 in the stations not under the Acts.

591. Will you have the kindness to answer my question, instead of interpreting it for yourself; take these years: In 1874, after Lord Cardwell's order was in operation, I find the admissions for gonorrhœa in the 14 stations successively brought under the Act, were 62 per 1,000?—Yes.

592. The next year they were 58?—Yes.

593. But in the two following years they are 68?—Yes.

594. Sixty-eight is a higher figure than 62?—Yes; but so trivial that in this matter we cannot attach any weight to it.

595. Will you have the kindness simply to answer my question?—I must answer it with such qualification as I mean my answer to bear.

596. In the year 1878 there is a considerable addition in the cases of gonorrhœa in the stations under the Acts, is there not?—I have not got 1878 here.

597. We have it from Sir William Muir; with regard to secondary syphilis, do I understand your impression to be that there has been or that there has not been a reduction in secondary syphilis in consequence of the operation of the Acts?—A decided reduction.

598. We have had the figures from Sir William Muir; in 1859 the ratio per 1,000 of admissions for secondary syphilis was 35·86; have you that figure?—No, my returns go back only to 1861.

599. Perhaps you will take it from me that we had them from Sir William Muir yesterday; they were these: in 1859, 35·86; in 1860, 31·30; in 1861, 31·26; in 1862, 34·73; in 1863, 34·19; have you got Sir William Muir's evidence?—I have not; but I have got 1863, 35·94 secondary syphilis.

600. Will you give us the figures you have from 1859 to 1864?—In 1859 the ratio per thousand for secondary syphilis was 35·86; in 1860, 32·73; in 1861, 32·69; in 1862, 34·66; in 1863, 35·94; in 1864, 35·06; in 1865, 29·65; and in 1866, 24·77.

601. It had fallen from 35·86 to 24·77, before the introduction of the Act of 1866?—Yes.

602. Will you give us the subsequent figures?—The next figures in 1867 were 28·14; in 1868, 31·89; in 1869, 26·22; in 1870, 25·01; in 1871, 20·30; in 1872, 24·26; and in 1873, 23·19.

603. Will you stop at 1873 for a moment; between 1866 and 1873, that is to say before Lord Cardwell's order, you have a fall of from 24·77 to 23·19, if you include the year 1873; if you go to the year before Lord Cardwell's order you have 24·26, that is hardly any fall; if you take the year of Lord Cardwell's order you get a certain fall; will you go on after Lord Cardwell's order?—In 1873, 23·19; in 1874, 24·06; in 1875, 28·7; in 1876, 27·4; in 1877, 23·78; and in 1878, 26·64.

604. Therefore, according to the latest return, 0.116.

Mr. Stansfeld—continued.

you have a higher per-centage of admissions for secondary syphilis than you had in the year 1866, when the Act was first introduced?—It is slightly higher.

605. And than you had in the year 1870, when the Acts were first of all in full operation?—It is slightly higher.

606. I am right, am I not, in referring to the year 1870 as the year when the Acts were first in full operation?—I think that is the year.

607. That is the year in which for the first time the Acts were applied to all the stations which are now under the Acts, and in which the fortnightly examinations were established?—Yes, at least fully established.

608. Well now, to come to Aldershot; you gave us some figures there which I believe are not in the Army Reports; they are your own calculations, are they not, about the deductions to be made from the figures in the Army Reports of the admissions into hospital of cases of primary sores and gonorrhœa in respect of a proportion of what you call imported cases; those are your own calculations?—My own calculations, from returns which came to me officially, and which were transmitted by me.

609. Those are not in any of the reports?—They are not in any of the Army Reports.

610. You said that every soldier who is absent far three days is examined on his return, and that all regiments coming into camp for the first time are examined?—Yes.

611. What is the object of that examination;—The object of that examination is to ascertain whether they have got disease upon them. There was a great experiment going on, and if they did not take means to prevent that experiment being interfered with by imported cases they would only be half performing it.

612. Therefore the object of that examination is to secure this effect, that the soldiers who come into those districts shall not, so to say, be let loose on the district until they are free from disease?—Yes, that is the object.

613. Are those cases of admission to the hospital recorded against the district or not?—They are all included as cases occurring in the district.

614. And therefore the immediate effect of this arrangement would be to increase the number of admissions?—To increase them.

615. But the subsequent effect, I suppose, you would hope would be to reduce the average by reducing the amount of disease?—Certainly.

616. Suppose a soldier leaves the station, do you examine him before he leaves?—It depends upon where he is going.

617. You do not examine him as a matter of course; you examine every soldier coming in, but you do not examine every soldier who goes out of Aldershot?—No.

618. And you do not examine a regiment when it leaves Aldershot?—A regiment leaves Aldershot under its regular regimental discipline, and it goes elsewhere, subject merely to the ordinary course of examination in the regiment.

619. A regiment is not examined on leaving Aldershot?—Not specially, only for foreign service.

620. Under these circumstances, you are not able to tell us what amount of concealed disease there may be amongst the regiments at Aldershot?—I do not think that there was much concealed

Mr. Lawson.

10 July
1879.

Mr. Lawson.

10 July
1879.

Mr. Stansfeld—continued.

ceased disease at the time I was there; we could not tell from actual observation.

621. I am asking you a question upon a fact which is now before us; you examine soldiers when they come into camp, but you do not examine them when they leave?—No.

622. Does it not therefore appear that you are not in a position to tell me the amount of concealed disease, of which there is some in the camp at Aldershot?—Certainly.

623. Do not you think it would throw quite as valuable a light upon the operation of the Acts if those facts had been recorded, as well as the fact of the disease of soldiers coming into the camp?—They have not been recorded.

624. You have the Army Report for 1877 there; have you the Army Report for 1872?—No, I have 1873.

625. Will you look at the Table, at page 17, in the Report for 1877; I think you said you were responsible for that Table?—I fancy not.

626. That is the Table in which there are groups of years?—That I am not responsible for.

627. You told the Committee to-day that you are responsible for the construction of that return?—Decidedly not.

628. At any rate, you approved of the principle; I thought you said you recommended that principle of grouping in numbers of years?—Not this particular grouping; this was adopted without reference to me; I knew nothing about it.

629. You approve of the principle of grouping the years?—Certainly, you must do that.

630. This Return of 1877 is in groups of years?—Yes.

631. The first group is from 1860 to 1863, inclusive?—Yes.

632. Is there not an almost continuous fall during that period in the admissions in respect both of primary sores and gonorrhœa?—There is, as appears by this Return.

633. An almost continual fall both in the primary sores and in gonorrhœa; both in the subjected stations and in the unsubjected stations?—There are considerable fluctuations in it.

634. But upon the whole it would be fair to call it a continuous fall, would it not?—An irregular fall.

635. But a fall?—A fall from the first to the last year, certainly.

636. That decrease was before the enactment of any of the Contagious Diseases Acts?—Yes.

637. And, therefore, that decrease arose from circumstances independent of them?—Yes.

638. Is it not true that about that time many reforms were introduced into the administration of the Army, with a view to improve the comfort, position, and health of the soldiers?—Yes.

639. Some of a character tending to diminish idleness and vice?—Yes.

640. And some of a character tending to increase cleanliness and diminish disease?—Yes.

641. Is it your opinion that these influences ceased to operate precisely in the year 1864?—On the contrary, they are continued.

642. You think they continued?—Yes.

643. If they continued to act, is it not reasonable to suppose that if no Contagious Diseases Acts had ever passed, there would have been a continued fall at some rate, without defining the rate, after the year 1863?—We see from one side of the Return which represents the incidence of the disease in the country, that there is no such

Mr. Stansfeld—continued.

fall, and we have no supposition against that; there is the fact.

644. You think there is no such fall?—The evidence I have given as to the prevalence of the disease in the 14 stations not under the Act, from 1861 to 1866, was 114.1; from 1867 to 1872, it was 113.5. There is a fact which there is no gainsaying.

645. We will now take the second group of years, with reference to this question; in the large stations not under the Acts, I find in the year 1864 the admissions for primary sores were 111, in 1865 they were 101, and in 1866 they were 79; do not these figures show a continuous fall?—Yes, they show a fall.

646. After 1866, there is, on the contrary, a rise in the figures for primary sores?—Yes.

647. That rise you have yourself attributed to the fact that, in 1867, the figures for London are, for the first time, brought into play?—No, excuse me, I said that the figures for London were, for the first time, brought into this Return, but to meet that very thing I put in the figures for London, from 1861 to 1866, that we might get rid of that objection.

648. I am speaking of this Return for the year 1877?—I did not give evidence upon this Return; I gave evidence upon the other. If you wish to have the fact, certainly it is a fact.

649. I am asking you upon this Return?—The fact is there; it is so.

650. In the first group of years we find there is a fall, which you have admitted, but your theory, I think I am right in saying, is that the average of these four years ought to be taken as a true indication of the state of things which would have continued, if the Acts had not been passed?—Which four years are you speaking of?

651. From 1860 to 1863, inclusive?—No; I gave the period 1860 to 1863, inclusive, to compare with the period from 1870 to 1873; but I by no means said that the state of things, from 1860 to 1863, would continue without change.

652. You took the average of these four years to compare with the average of subsequent years?—Quite so; but there the thing finished. I did not by any means mean to say that the average of that first period would continue.

653. What should you have expected to happen?—I expect, from looking at the returns which we have had, the one I have put in for the previous period, that we shall, unless some change takes place, find that the incidence of the disease in the country will vary constantly from year to year, but it will not diminish very much; that is my impression. The development of the disease may pursue a different course from what I expect, but that is my impression from the facts I have already seen.

654. During the years 1860 to 1863, without any Acts, you have a fall produced by causes, therefore, independent of the Acts; now is it a fair thing to take the average of those years, or is it not a fair and correct thing, statistically speaking, to start from the lowest figure which is reached in the lowest of these four years?—No, the lowest figure in these four years is an extreme point. You must get at the mean from a series of the high and low years, and I have endeavoured to arrive at that mean from a period of six years in succession.

655. That is precisely the principle which I dispute?

Mr. Stansfeld—continued.

dispute?—That may be; I have to defend my principle, and that is the principle I inculcate.

656. And I exercise the right of putting some questions to you upon it; you have a series of descending figures, a fall in disease consequent upon conditions existing independently of the Acts, because they were before the Acts, and I put this question to you whether, in endeavouring to ascertain the operation of the Acts, you are entitled to give the Acts the credit of a diminution from a higher figure than the lowest figure of that descending series?—The lowest figure of that descending series is a figure in excess, in the way of diminution, from the mean, and I should be wrong in judging from that, without taking the fluctuations that preceded; in fact, taking the mean state which preceded it.

657. But surely that principle cannot be soundly applied to the case of a continuous fall?—There is no continuous fall.

658. There is from 1860 to 1863?—There is a fluctuation.

659. No, there is an almost continuous fall?—It so happens that the period of 1860 or 1861 was near the top of the curve, and the other happens to be at the bottom of it.

660. At any rate, there we have the fact that before the year 1864, in these four years from 1860 to 1863 included, we have an almost continuous reduction all round, and yet you decline to take the figures of 1863 as the starting point from which to judge of the operation of the Act?—Decidedly so.

661. As that is your opinion I will carry it a little further; will you now take the second group, from 1864 to 1869, take the year 1866, the figures are lower in the unsubjected than in the subjected stations, are they not?—Yes; this does not include London.

662. I know that?—Still it is necessary to mention it.

663. It does not include London or Windsor, on the one side or the other?—No.

664. If you take the primary sores, the average of the second group, the group which came after the Acts, is 87, is it not?—Yes.

665. That is the average of those years?—Yes.

666. And that figure is reached in the year 1866?—Yes.

667. In that year, 1866, you have 39,476 men in stations, which sooner or later come under the Acts, and the average of 87 admissions per 1,000 applies to that?—Yes.

668. Now will you turn to the table in the Army Report of 1872, page 10; turn to the year 1866 for stations under the Contagious Diseases Act; is it not clear from that table, that of the 39,476 men of whom we have been speaking, only 10,161 were then protected?—Yes.

669. Is not the average of admissions in respect of primary sores upon those 10,161, 90.5?—Yes.

670. Whereas the average of the whole 39,476 is 87?—Yes.

671. Is it not, therefore, clear that the average on the difference between those two figures which would be 29,315 unprotected men, must have been less than 90.5, and must have been less than 87?—Yes.

672. In order to bring the average of the whole down to 87?—Yes.

0.116.

Mr. Stansfeld—continued.

673. Is it not, therefore, clear, that in that year, 1866, you have out of those 39,476 men, 29,315 unprotected, with a lower average of admissions than the 10,161 who are protected?—That is quite possible.

674. To go a little further; if you take that table in the Report of 1872, do you not find that throughout the whole Army in that year, 1866, there were 49,150 men unprotected?—Yes.

675. The explanation being that the Act only gradually came into operation at the various stations?—Yes.

676. Those 49,150 men have an average of 90.9 admissions per thousand from primary sores?—Yes.

677. The 10,161 who were protected, have an average of 90.5, which is practically the same?—It is practically the same.

678. The question I want to put to you is this: is it not evident that we are not entitled to credit the Acts with any reduction until we get down to the figure of about 90 per 1,000 admissions for primary sores?—The year 1866 was a year of minimum, when the smallest amount of disease was prevalent in the stations throughout the country.

679. That was the year before the introduction of the earliest existing Act?—Yes, and further, this 10,161 refers to one or two stations. You must recollect the Table in the Return for 1876 embraces 14 stations, which have, naturally, a very different prevalence of disease amongst them. This 10,161 refers only to one or two of those stations. To get a proper comparison we require to know what stations they were, and to have their sick list for a number of previous years, to see whether they are years in which their disease was high or low.

680. You have in the whole Army in the year 1866, roughly speaking, 60,000 men?—Yes.

681. Of those, 50,000 are not protected, and 10,000 are protected?—Yes.

682. The admissions for primary sores per thousand are identical in the case of the 50,000, and in the case of the 10,000?—They are not protected to any extent in 1866; they were stations' which came under the Acts, but the actual protection was not great in 1866, even at those stations.

683. Then in your opinion, in 1866, even those 10,161 men can hardly be said to have been protected?—They were not protected to anything like the same extent that they subsequently were.

684. Then do you not make my proposition still more clear, that about 90 per 1,000, taking the whole Army round, is what you may call the normal number of admissions for primary sores per thousand, irrespective of the Acts?—That was that particular year, but if we take other years they are very much higher.

685. Then you have to take only certain stations; I am taking the whole Army in that particular year, at the end of which the Act of 1866 was introduced; will you look at the Table in the Report of 1877, page 15, for the year 1866; you have stated your views about London; will you hand in your figures?—I will prepare them afterwards.

686. Can you give us the figures for invaliding, and the deaths from primary and secondary syphilis, in the whole Army from 1866 to 1878?—No. These Returns after 1873 do not give them.

D 2

687. Would

Mr. Lawson.

10 July
1879.

Mr. Lawson.

10 July
1879.

Mr. Stansfeld—continued.

687. Would it not be possible to obtain them?—They may be obtained, I daresay, but as the officer from the Medical Department at Whitehall Yard who manages the Returns will be called, I presume he had better be asked for them.

688. Have you the figures of the supposed saving of efficiency before you?—For what period?

689. For whatever period you have it. For what period have you those figures?—For two periods. I have the period mentioned by Sir William Muir, the other day, which I have gone over, and I have another period for 1872 by itself.

690. What figures have you got as to the saving of efficiency?—There is the year 1872. I make it out that the daily savings of efficiency, including the period under treatment for secondary symptoms, which I maintain should be included, was 7.62 men per thousand daily saved under the Acts for the year 1872.

691. You misunderstood me: I was not referring to your calculation, I was referring to the figures regarding the saving of efficiency in the Army Reports; have you those figures before you?—You mean the number in hospital; that is at page 18.

692. What year have you got?—One thousand eight hundred and seventy-seven.

693. When do they begin?—They begin long before that.

694. When does that table begin?—One thousand eight hundred and seventy.

695. It goes from 1870 to 1877?—Yes.

696. Will you take that table? If you take the ratio of men constantly in hospital for primary sores in the stations under the Act in 1870, you have 4.46; have you not; and in 1873, you have 4.45?—Yes.

697. Therefore in these four years you have practically no reduction in what is called "efficiency"?—There is a trivial reduction in 1871.

698. If you compare the years 1870 to 1873, in the year 1871 there is a reduction, but that is lost again in 1872 and 1873?—Yes.

699. So that if you take the period from 1870 to 1873, there is no appreciable saving in efficiency?—There is an appreciable saving in 1871, but not a great one.

700. Which is lost in 1872 and 1873?—Yes.

701. If you take the stations not under the Acts, there is at least as much saving, is there not?—These are under the Acts.

702. You find a saving there?—We find a greater fluctuation there in a different direction.

703. In the year 1870 you have 9.74, and in the year 1873, 8.86?—That is a considerable saving.

704. If you come down to the years from 1874 to 1877 inclusive, you have also in both cases a saving, have you not?—The ratio goes on decreasing.

705. In both cases?—Yes.

706. The figures are higher in the one case than in the other, but the ratio goes on decreasing?—Decreasing with fluctuations.

707. The saving in efficiency depends upon the decrease of the ratio, does it not?—Certainly.

708. In your calculation of saving of efficiency, do you take that fact into account?—Certainly.

709. That in the non-subjected stations there is a saving between those years equivalent to the saving in the subjected stations?—That was not the comparison.

Mr. Stansfeld—continued.

710. What is the comparison?—The comparison is to take any given year, or any period of years.

711. I take this period of years from 1870 to 1877?—Suppose you take 1870 to 1877, you must find the mean ratio in hospital in the stations under the Acts, and you must also find the mean ratio in hospitals in stations not under the Acts. You assume that the stations not under the Acts, with a little correction, will show you the incidence of disease on the country, and you calculate from the incidence of disease upon the country what the disease would be at the stations under the Acts, provided the Acts were not in force, and it is the difference between that first ratio and the ratio you actually find at the stations under the Acts which constitutes the saving.

712. I know that is your theory, but I find in this Table, in the year 1870, that the number of men constantly sick in the stations under the Acts from primary sores was 4.46 per thousand, and I find in 1877 it was 2.61?—Yes.

713. We have agreed that a considerable proportion of the reduction is illusory, as a consequence of Lord Cardwell's order?—Yes.

714. But we will nevertheless take the figures; the actual saving attained to at the end of that period of years is not quite two per thousand, is it not?—That is the difference of the ratios in the two years; but I cannot agree that is by any means the actual saving in the two years; that is the difference of the results here.

715. In the year 1870 you have, roughly speaking, four and a-half men constantly in the hospital with primary sores in these stations, and in the year 1877 you have two and a-half; there is a saving of two men per thousand comparing these two years; that is the result of the seven years?—That is the result of saving, comparing these two years, but that is not the comparison by which you arrive at the saving of efficiency at all. You want a very different comparison for that.

716. You have in a series of years a descending ratio, and you show that there is a saving at the end; you compare the end with the beginning, and you show a saving; do you deny that in the subjected stations there is a saving effected on these figures of two men per thousand between 1870 and 1877?—Confined to the subjected stations.

717. Yes?—But that is not the ground upon which we are to calculate the efficiency of a saving of service at all.

718. Will you have the kindness to answer my question?—I admit that fact.

719. You admit that in the subjected stations there is shown on these tables a saving of two men per 1,000 in the constantly sick between the years 1870 and 1877?—Yes.

720. Now in the unsubjected stations is not there a saving of upwards of three men per 1,000 during the same period?—Yes, according to the difference of those results certainly.

721. And if you are discussing the question of efficiency you must discuss it, must you not, with reference to these facts of reduction?—These facts of reduction are comparable at the same stations, but they are not comparable as regards the question of efficiency at all; it must be got at by a totally different process.

722. I am not for the moment comparing the stations?

Mr. Stansfeld—continued.

stations?—These are deductions that are patent to everybody.

723. I say that in the stations not under the Acts there has been a saving of efficiency between the years 1870 and 1877 of upwards of three men per 1,000; the difference between 9·74 and 6·23?—That is as regards those stations alone; yes, that is so.

724. With regard to gonorrhœa you have given us some special calculations of your own which were not very easy to follow, to show that in your opinion gonorrhœa had diminished in the subjected stations as a consequence of the Acts previous to Lord Cardwell's order?—Yes.

725. That is not the opinion of the Army Medical Department, I think?—I believe the contrary opinion has been frequently expressed, but, as I stated, I believe that opinion was from a very erroneous reading of the figures.

726. But, as a matter of fact, your opinion does not agree with the opinion of the Army Medical Department, as given in the Army Medical Reports. Take the Army Medical Report of 1873, page 3, do not you find these words: "There is reason to believe that the fall in the rate of admissions for gonorrhœa in 1873 is connected with the issue of the Royal Warrant in the month of October of that year, directing that the pay of soldiers admitted into hospital with venereal diseases should be forfeited during their stay there"?—Yes.

727. Will you turn to page 13, at the end of the page: "In October 1873 a Royal Warrant was promulgated directing that soldiers admitted into hospital on account of venereal diseases should forfeit their pay whilst under treatment, it is presumed that this led to concealment of those diseases"?—Yes.

728. Again, in the Army Medical Report for 1874, page 1, there is: "The fall in the rate of admissions for venereal diseases which followed the promulgation of the Royal Warrant of 1873 continued throughout 1874"?—Yes.

729. Well, then, in the Army Medical Report for 1872, page 12, which I have here, we find this: "The relative prevalence of gonorrhœa at the stations under the operation of the Contagious Diseases Act, and at those not under it, has been already shown in the tables on page 8, framed by Surgeon General Balfour. The results shown by the Returns for 1872, as to the efficacy of the Act in reducing the prevalence of that disease, are much the same as those recorded in several former Reports. It is doubtful if any benefit at all is to be ascribed to it. The excess of the reduction at the stations under the Act over that at those not under, it is of course a favourable result so far as it goes, but it may have been accidental; and the fact remains that the average ratio of admissions for the eight years from 1865 to 1872 was higher at the protected than at the unprotected stations"?—Yes.

730. Then I think there is a further reference in a subsequent report of the year 1877, page 16; there is an asterisk attached to the years 1874, 1875, 1876, and 1877, and the note is, "Stoppage of pay in force;" so that in the opinion of the Army Medical Department that stoppage of pay had produced those effects?—Yes.

731. Are you aware that disease on the whole has increased among the women who were examined?—I am not aware of that fact; I have no information upon it.

0.116.

Mr. Stansfeld—continued.

732. What would you expect with regard to the relations between the proportions of disease amongst the women and amongst the men who consort with them; if disease amongst the women decreased you would expect the disease amongst the men to decrease, would not you?—I apprehend so.

733. And *vice versa*, as the disease amongst women increased, you would expect a rise amongst the men?—I apprehend so.

734. Therefore if it were to be made evident that no such relations existed between the percentages of disease amongst the women who are examined and the men who consort with them, that would be a fact of considerable import, would not it, on this subject?—It would be a fact; if we saw the fact we should be able to find out what its bearings were, because a great many of those facts have a different meaning to what at first appears to be the case.

735. It would not occur to you, would it, that that would be a fact which would tend to increase one's faith in the utility of the Act?—I should like to see the fact before I gave an opinion upon it.

736. We will prove the fact by-and-bye. You have told us to-day, referring to those figures at Aldershot upon which I put a question earlier, that you drew this inference from your observations at Aldershot, that it was not a safe method of proceeding to judge from an observation of a small isolated body of men or short periods of time?—No, it requires one to be very cautious about doing so.

737. Therefore any evidence of that kind you would hold to be inconclusive one way or the other?—Not inconclusive, but not positively conclusive.

738. Dangerous, doubtful, evidence?—Doubtful evidence; you require to approach it with great caution.

739. You told us that your experience has been long in these matters, and you are no doubt familiar not only with these Acts and with the figures, but with the method of their administration and with the possibilities and probabilities of the detection and prevention of disease?—I have had a good deal to do with that.

740. Will you allow me to put to you some questions upon the nature of these diseases which are classified in a certain way in the Army Returns which Sir William Muir preferred I should put to some other person. I may as well say at once my object in putting these questions will be to ascertain how far and in what kind of proportion these various diseases are likely to be detected by the system of examination?—You mean on females.

741. Yes?—Upon that point I may at once say I have had no personal experience and cannot give any opinion. I have had no personal experience of the examination of females, and I cannot give any opinion.

742. Do you mean that, having regard to the length of your experience as a medical man, and to the attention you have paid to this particular subject, you are not familiar with the recognised opinions of medical authorities about the characteristics of this disease?—I might be familiar with the opinions of medical authorities, but I have had no personal experience of examining females, and therefore I am not competent

D 3

Mr. Lawson.

10 July
1879.

Mr. Lawson.

10 July
1879.

Mr. Stansfeld—continued.

to give the Committee any evidence from my personal experience.

743. Do you decline to give the Committee opinions upon the subject?—I would infinitely rather they would apply to somebody who could give opinions from experience.

744. If I put to you a question as to the possibility of gonorrhœa being effectually concealed by the woman from the examiner, would you object to answer that question?—It is a point I have no personal experience upon, therefore I had infinitely better tell the Committee that at once, and not occupy time in giving opinions that may be of no weight.

745. Here is a question upon which I think you will not object to give an opinion; you know what the objects of this legislation are, I presume?—Yes.

746. May I not state those objects to have been the improvement of the efficiency of the army and navy forces, and to reduce disease, especially constitutional disease?—Yes, but by no means solely constitutional disease.

747. I said especially constitutional disease?—Yes, but by no means solely.

748. I did not say "solely"?—I wish to give that qualification.

749. I think it is no qualification?—It is a material one I fancy.

750. Is it your opinion that these objects can be attained by the examination of women alone, without the examination of men?—From the evidence I have given to-day, it is clear that it has already done a great deal.

751. Is it your opinion that these objects can be attained by the examination of women alone?—They have been attained to a very great extent, as I showed by the evidence I have given to-day.

752. They have been attained to a great extent, but to what extent has secondary syphilis been diminished?—As far as we have the facts to judge, in proportion exactly to the diminution of the primary sores.

753. That is not your evidence to-day?—Yes, that is my evidence exactly.

754. Then we must go back to it; those are clearly not the figures?—Those are the figures I have stated.

755. These are the figures which you have yourself twice given to-day. The proportions of secondary syphilis to primary sores has gone up from 32 per cent. to 49 per cent. between 1861 and 1878?—But we have not, in the latter case of 1873 to 1878, the means of judging of the frequency of the primary sores.

756. Then you have not the means of drawing your inference?—I gave it with the qualification that, so far as we had the means of judging, they were in exact proportion, and that I repeat.

757. Are you, or are you not, in favour of the examination of the men?—The examination of the men is a thing which, when I entered the service, and for many years, I was constantly in the habit of adopting. It was common when I entered the service, in fact a regular part of the service; and for many years I pursued it. At first, when it was done away with, I was afraid it would lead to very bad consequences; but I must say that my experience since has led me to believe that the consequences I anticipated have not been realised.

Sir Harcourt Johnstone.

758. What was the date of the Warrant?—One thousand eight hundred and fifty-nine.

Mr. Stansfeld.

759. You have told us that in Aldershot when soldiers come in from outside, and they might be diseased, and therefore infect the women there, you met that by the examination of those soldiers?—Yes.

760. Am I not right in inferring from that, that in your opinion the examination of the soldiers would materially affect the amount of the disease?—I believe that in a well-regulated regiment it would affect it very little.

761. What do you mean by a well-regulated regiment?—A regiment where the surgeon will make a point of reporting every man who conceals his disease. When I was a regimental surgeon, if any man came to me who had concealed his disease two days, I reported him to the commanding officer.

762. Well, but let us go to this very case you gave us at Aldershot, where the admissions varied from 23 to 140 per thousand?—We have no evidence that they were concealed.

763. You have no solution for that difficulty?—There is no evidence that they were concealed. I cannot explain how the thing took place; but we have no evidence that the men concealed the disease. On the contrary, I believe they did not conceal it to any large extent. We should have found some indications of that in the nature of the disease which came to the hospital.

764. You admit, do you not, that concealment of disease will be a source of greater disease in the future?—Certainly it gives the disease an opportunity of becoming aggravated.

765. Do you or do you not agree with Sir William Muir. Does it not appear to you to be perfectly clear that first of all concealment of a disease must beget disease?—It gives a disease an opportunity of becoming worse from various circumstances; first, from want of treatment, and secondly, from various causes of irritation and otherwise which a man may be subject to.

766. Besides that it gives the diseased soldier the opportunity or chance of infecting a woman free from disease?—Certainly, if he has a disease which is communicable, and he has communication.

767. If you have women who are examined fortnightly with more or less effect, although you decline to express any opinion upon the efficiency of those examinations, and if you have consorting with them men who are not examined, and an unknown proportion of whom are diseased, will not that fact be productive of disease?—It is probable that it may increase it.

768. It is certain, is it not?—Well, it is probable.

769. Only probable?—For me to say that a thing is certain I should be able to adduce some positive proof on the point; I can only give an opinion, and, therefore, I think it is better to qualify it with the word "probable."

770. I have before me the Report of the Army and Navy Committee on Venereal Disease of 1864, and I find this passage in page xxx. That was the Committee of which Mr. Skey was Chairman; it was, in fact, the Committee which recommended the Act of 1866: "However efficiently the regulations as regards women may be carried out, their success in arresting the spread

Mr. Stansfeld—continued.

of disease must be very imperfect, unless similar precautions be adopted for preventing the men from carrying infection to the women. The Committee have been led to give much consideration to the subject of periodical examinations of the persons of the men of both services. All the men of both services are inspected at fixed times with a view to their general health." Then it says: "The practice of periodical examination of all soldiers exposed to venereal contagion was general throughout the army prior to the year 1859, when it was set aside in accordance with the recommendation of the Royal Commission on the Sanitary Condition of the Army, 1857, presided over by the late Lord Herbert. Since that date it has been still retained in certain regiments as a regimental order. The Committee are of opinion that the practice, so far as the soldier is concerned, should be universal throughout the army, and that it is no less necessary to the health of the sailor whenever he has the opportunity of access to women; without such a regulation, the proposed periodical examination of women must lose half its value;" do you agree with that opinion?—I did agree with that opinion at one time; but, as I have already mentioned, my experience since has led me to modify that opinion.

771. Your experience upon the figures which are given to us in the annual army medical reports?—From the figures I have put before the Committee to-day, from observation at Aldershot, from my experience as principal medical officer there, watching the fluctuations of the disease in the regiments.

772. Can you express any opinion upon this point, whether the severity and duration of cases in hospitals has increased or diminished of late years?—I cannot give you any very recent observations of that fact, because I have nothing to go very far back upon; but judging from my recollection of a number of years ago, syphilitic affections, as they appeared in the army, were a great deal more severe than they have been lately; and at times, for instance in 1860, I was at the Curragh in Ireland, and then we had a particularly virulent description of disease, such as I had not seen for many years before.

773. I mean since the Acts were in operation?—There is no doubt the virulence of the disease is less in the stations under the Acts than in those not under them.

774. Do I understand that, in your belief, the average duration of particular classes of cases in hospitals would be less in stations under the Acts than in stations not under the Acts?—Yes, primary cases. Primary sores are distinctly less. The duration is one or two days less than in the stations not under the Acts.

775. Has the average duration of cases of primary sores decreased or not, since the Acts were in operation in the stations under the Acts?—It has, as compared with those not under the Acts.

776. Are you speaking from accurate knowledge or from impression?—I am speaking from examining the rate of admission, and the periods of treatment at the different stations while I was in the service.

777. I have made certain calculations; perhaps you will tell me whether they are correct. I first of all take the stations under the Acts, and I find that the duration of the cases of primary

0.116.

Mr. Stansfeld—continued.

sores in 1870, was 30 days; in 1871, 28 days; in 1872, 31 days; in 1873, 32 days; in 1874, 27 days; in 1875, 28 days; in 1876, 27 days; in 1877, 27 days; can you say anything about it?—I could not say without going through the calculations.

778. You have not got them there?—I have not got them here. I have made such calculations frequently, and on every occasion I have made them I have found that the duration of primary sores at stations under the Acts, was one or two days less than at those not under the Acts. That is my experience.

779. I will take the year 1875; can you give me the average duration of primary cases in the stations under the Acts in 1875?—1875 is a very bad year to go upon.

780. You yourself have made the Calculation?—For several years, but not for that specific year.

781. Suppose in 1875 you were to find that the average duration of cases of primary sores under the Acts was 28; in stations not under the Acts 27; suppose in 1876 you were to find the average under the Acts was 27 days, and not under the Acts 26 days, and suppose that in 1877 you were to find the average under the Acts was 27 days, and not under the Acts 25; would not that clearly show an advantage in favour of stations not under the Acts, as far as the duration of these cases is concerned?—Certainly, if those numbers be correct numbers.

782. Will you take the trouble to write out the numbers for those years, 1875, 1876, and 1877?—I will.

Colonel Alexander.

783. With reference to the suggestion of the Right honourable gentleman the Member for Halifax, that the difference in the amount of venereal disease in various regiments at the same station depended rather upon the character of the men than upon the periodical examination of women, might it not rather depend upon the difference in age of the men of different regiments?—That will affect it to some extent.

784. Would not a regiment having a large number of young soldiers be more susceptible of venereal disease than a regiment consisting of old soldiers?—Yes.

785. May not the increase of gonorrhœa in late years be due to the youth of soldiers and the short service system?—That may affect it to some extent, but it would appear as if there was something more than that.

786. Might not, for instance, a young soldier be admitted to hospital with gonorrhœa two or three times in the course of a single year?—Certainly.

787. And that fact would account to a great extent, would it not, for the increase of gonorrhœa to which reference has been made?—It would affect it, of course, by showing an increased number of admissions.

788. Reference has just been made by the right honourable gentleman the member for Halifax, to the report of the medical committee, recommending that periodical examination of soldiers should be universal throughout the army. I think only one member of the Committee, Dr. Balfour, dissented from his colleagues on that point?—I know these were his views; but I have not seen the report.

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789. You

Mr. Lawson.

10 July
1879.

Mr. Lawson.

10 July
1879.

Colonel Alexander—continued.

789. You will take it, perhaps, from me that even Dr. Balfour conceded the principle of examination, because he recommended the inspection of soldiers when proceeding on and returning off furlough?—Yes.

790. And the authorities at Aldershot practically conceded the same point when they established the rule to which reference has been made by you to-day?—Yes; that was a rule we got from London.

791. In your opinion, would not a periodical examination of soldiers to a considerable extent prevent the circulation of disease among women?—If there were concealment, certainly; but my own experience for the last eight or ten years, or more than that, was, that the inspection, except in some very particular instances, was really less effective and less necessary than I had previously thought it. At one time I believed it would lead to a great deal of disease when it was given up. Practically, I found that it led to very little.

792. You are aware, I suppose, that this periodical examination of soldiers obtains still in the three regiments of Foot Guards?—Yes, I believe it does.

793. Have you ever heard the medical officers of those regiments express any opinion upon the point?—They express the opinion that they think it very necessary; and stationed as these regiments are in London under various circumstances, it possibly may be quite necessary. I would not like to say that, because it has been generally found to be less necessary, it never should be necessary.

794. I find in the report of the Medical Committee they were of opinion that the periodical examination of soldiers might easily be diverted of anything of an offensive character; do you concur with the Committee in the expression of that opinion?—It depends on what is considered offensive. Some people in former days used to do it in a very different way from others; and I believe those who did it most efficiently did it the least offensively.

795. Do you think that the medical officers of the army generally would object to return to the system of periodical examination?—I fancy there would be objections raised.

796. Were you present last week during the examination of Sir William Muir?—I was.

797. And you, therefore, heard him say, in answer to a question put to him by the right honourable gentleman the Member for Halifax, that there was a fall of from 50 to 42 in the number per thousand of admissions to hospital immediately upon the issue of Lord Cardwell's order in 1873?—Yes.

798. Let me direct your attention to Question 157, put to Sir William Muir by the right honourable gentleman the Member for Halifax, which was to this effect: "But of that amount of saving of efficiency a certain proportion is due to the fact that the soldier, finding that he is mulcted in his pay, prefers not to go into hospital for these complaints, and continues therefore 'efficient'; is it not so?" to which Sir William Muir answers: "He does not know the danger he is running;" referring to that question put by the right honourable gentleman, would it not, in your opinion, be more correct to say that the soldier, in order to avoid forfeiture of pay, continues temporarily efficient, at the risk of becoming for a very long time, and, perhaps permanently, in-

Colonel Alexander—continued.

efficient hereafter?—Well, I would not admit that he was efficient under the circumstances. I consider no soldier efficient who is not ready to go anywhere at any time, and to undergo great exertion; that is the proper efficiency.

799. Consequently, if so many more men are on parade, instead of being in hospital, they are on parade when they ought to be in hospital, are they not?—Certainly; they are not efficient.

800. In the event of a battalion being ordered to proceed to foreign service, would any of the syphilitic patients in the hospital be allowed to embark with the battalion?—I should say no. I myself should object to any such going.

801. Do you consider that it ought to be left to the soldier to determine whether the disease from which he is suffering is sufficiently severe to incapacitate him from the performance of his duty?—To this extent: that if he finds he is not fit for duty, he will go and report himself sick; but if the question were put whether the man were really fit or no, the medical officer is the person to decide that question, after considering the case.

802. I believe you have stated that you are of opinion that venereal disease becomes aggravated by concealment, and consequent delay in the application of remedies?—Certainly it is exposed to that.

803. You disapprove of any regulations conducive to the concealment of disease?—Strongly.

804. And amongst such objectionable regulations you would, I presume, include the forfeiture of pay by men suffering from disease?—Yes, the forfeiture of pay was a thing introduced a great many years ago. It prevailed in the navy, and I rather think in the army; at all events in the navy. Many officers urged that it should be done away with, as it led to concealment of disease, and they all expressed satisfaction when it was ultimately done away with.

805. Can you give the Committee any idea of the proportion of soldiers annually invalidated, whose disease is unquestionably syphilitic in its origin?—It is very difficult to do that, because the syphilitic taint leads to the aggravation of a great number of diseases. It assumes all forms of disease. A man may be invalidated for fits which are connected with original syphilis. He may have asthma connected with original syphilis, or consumption, or rheumatism. So that while a great number of men are affected in that way you cannot positively put your finger upon it and say so.

806. We heard the other day that soldiers going from unprotected districts were examined; would it not be well to apply that rule also in the case of men passing from protected to unprotected districts?—If men go from one unprotected district to another they never think of putting them to anything more than the ordinary routine of examination, and going from a protected district you are *pro tanto* less called upon to do it.

807. By reverting to a periodical examination of soldiers which existed prior to 1859, would not you obtain everything you required in this respect?—Of course you would detect such men as were affected with disease.

Mr. O'Shaughnessy.

808. In describing the various regiments at Aldershot, you described one as having a low sick list,

Mr. Shaughnessy—continued.

list, but, nevertheless, a high rate of venereal disease?—I said nothing about a sick list. I think you are under a mistake, it must have been a misapprehension.

809. I understood you to say that amongst other anomalies or differences between different regiments was this, that you found some regiments with a low sick list, which nevertheless had a high rate of venereal disease; you do not remember saying that?—I do not remember that.

810. With regard to the examination of soldiers, I understand there is an objection to the renewal of the system of examination on the part of the medical men?—Partly.

811. And it was abandoned to some extent also on the ground that it was an indignity on the soldier?—Yes.

812. Suppose it were renewed to this extent only, that when a man had once been discovered to have venereal disease, he should for one or two or three years afterwards be subject to periodical examination; do you think there would be the same objection to such an examination as that, grounded on medical necessity, proved in the individual's case, on the part of the medical man?—That would soon lead to the whole regiment being examined, at least a very large portion of it.

813. You spoke of a system of ablution being adopted in certain regiments; is that system of ablution adopted on general sanitary grounds, or as a precaution against infection after connection?—I alluded to a system adopted to prevent infection after connection.

814. Is that system of ablution under any of these Acts, or is it a sort of regimental regulation?—A regimental regulation.

815. I understand you to say that in regiments where that system of ablution was carried out stringently, you found occasionally the greater amount of disease?—Yes.

816. Would you infer from that, I do not mean to say you would infer, I merely ask the question, that the protection of ablution was an encouragement to soldiers to fall into these excesses?—By no means.

Mr. Ernest Noel.

817. One question about the saving of efficiency, which I do not quite understand; in 1877, as I understood you, in the subjected districts there were 2·50 men who were in hospital for primary sores?—It was 2·61 per 1,000.

818. And in the non-subjected districts, 6·23 per 1,000 daily?—Yes.

819. Therefore, roughly speaking, there would be four men more daily in hospital in the non-subjected districts than in the subjected?—Yes.

820. That on 70,000 men would therefore amount to 280 men, would not it?—I have not made the calculation.

821. Then the statement made that these Acts would save something like one or two regiments, I have heard it said three or four, but we will say one or two, say 2,000 men, is quite inaccurate?—The amount of saving will differ according to the prevalence of the disease at the time. And, again, you have not included one item which I think it necessary to include. Every three of those primary symptoms are followed by one secondary case, and the secondary case, according to my experience, remains in hospital on an 0.116.

Mr. Ernest Noel—continued.

average 25 days. That is equivalent to giving every primary case eight days and a third more hospital time than the mere primary cases, because they should be included as well. Then again, in 1877, we are dealing with this suppression of the pay.

822. Therefore the 2·6 is too low an estimate?—It is too low an estimate on both sides.

823. Therefore the difference between the subjected and the non-subjected might be greater?—It will be greater.

824. You say there has been a diminution in secondary syphilis equal to the diminution of primary sores?—So far as the primary sores permit us to test the question.

825. But in 1870 to 1872 the numbers, as I understood you, were 65 per 1,000?—65·4.

826. For primary sores?—For primary sores.

827. And 23·1 for secondary?—Yes.

828. But in 1876 to 1878 the primary sores were 52·4, and the secondary 25·8?—Yes.

829. Surely it is not a diminution, 23 to 25·8?—It is not a diminution, but if we could positively determine what was the incidence of the primary disease in 1876 to 1878 we might arrive at a very different conclusion.

830. I am taking your figures from 1870 to 1872, and 1876 to 1878?—But in 1870 to 1872 we had no concealment of the primary sores, therefore we can trace the relation between the primary and secondary; but in the subsequent period we can no longer trace that, because there was a certain amount of concealment.

831. Then the whole amount of secondary syphilis is larger in 1876 to 1878, than in 1870 to 1872?—That as a single fact is all very well; I do not question it.

832. It is a single fact, is it not?—Yes.

833. That in the year 1870 to 1872 the amount of secondary syphilis is smaller than in 1876 to 1878?—Certainly, that is what the returns show.

834. Would not it appear that if the cases of primary syphilis were concealed in these later years, which we have reason to believe, that would not affect the fact that the amount of secondary syphilis is still larger than it was in 1870 to 1872?—That does not affect that fact, but it affects our reasoning from it.

835. I understood you to say that the efficiency of the army could not be put down to these 280 men, if that was the right figure, because you must take in the number of secondary syphilis?—Yes.

836. Well, but secondary syphilis has increased now to more than it was; there is no diminution in amount?—It has increased as regards those two periods in one as compared with the other; but secondary syphilis taken for a period that we can compare from 1861 to 1866 was 32·4 per 1,000; from 1867 to 1872, all of them within the operation of the Acts, and before the restrictive action of the stoppage of pay came into effect, it was 25·6; and from 1873 to 1878, which is the continuous period now in question, it only amounted to 25·6, the same as the previous six years.

837. Have you got what the amount of secondary syphilis was in 1866?—It was 24·77, or nearly 24·8.

838. That was before the Acts had come into force?—Yes; but it also was connected with the very low amount of primary syphilis; that is to be observed.

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839. In

Mr. Lawson.

10 July
1879.

Mr. Lawson.

10 July
1879.

Mr. Cavendish Bentinck.

839. In that year?—In that year,

Mr. Ernest Noel.

840. If you take it in the years previous to that, say in 1861, what was it?—32·7.

841. It was steadily falling from 1861 to 1866, was not it?—With the diminution in the primary symptoms.

842. And that has more or less continued since?—So long as these primary symptoms have diminished the secondaries have diminished, and have diminished as shown by those three yearly periods in a continuous regular proportion.

843. At all events, the fall in the amount of secondary syphilis, even if it has fallen at all, is very slight?—On the contrary, the fall in the period between 1861 and 1863, when it is 34·3, and 1870 to 1872, when it is 23, is very large, about 33 per cent. It is 11 upon 34, which is 33 per cent., which is, by no means, a small fall.

844. In the number of the army, it would not be so very large?—That would be 11 men per 1,000; that is by no means a small figure.

845. For the year, not daily?—For the year; 11 cases for every 1,000 a year I look upon as anything but a small number.

Sir Harcourt Johnstone.

846. I suppose you are not prepared to deny that disease has fallen off from 1861 to 1866 quite in as great a ratio as it has fallen since the Act?—Quite so.

847. Therefore, you are scarcely prepared to say that to the operation of the Acts is attributable the fall or rise of the disease?—I say that that fall to 1866 was owing to causes altogether independent of the Acts, but that the subsequent continuous fall in the stations under the Acts was no doubt influenced by the operation of the Acts, for the simple reason that in the stations not under the Acts, the disease went on to fluctuate in the next six years, and practically was not less than it was up to that period, while in the stations under the Acts it was greatly reduced.

848. Can you show me any one year, between 1861 and 1878, which is better than the year 1866, except one, which was the year 1871?—You mean as to the stations not under the Acts?

849. No, I take the whole Army; per 1,000 of the Army; I wish to ask whether the constitutional hereditary disease, namely, the real syphilis, was not diminishing quite as fast, during 1861 to 1866, as it has diminished since?—The whole army, of course, includes both classes of stations, and the ratio, in 1866, of primary sores for the whole Army was 80·2.

850. You have not answered my question directly; I want to ask you, as a matter of fact, whether the gradual diminution of disease before the Acts was not as quick, and as perfect, if you like to put it that way, and as satisfactory as you maintain it has been since?—Would you explain whether you wish the answer to be given with regard to the whole Army?

851. Per 1,000 of the whole Army, before any Contagious Diseases Acts were in operation?—The answer involves two questions; it involves the two Acts. If you ask the question simply with regard to the whole Army, I stated that, in 1866, the ratio per 1,000 under treatment for primary sores was 80·2; in 1871, 59·5; and in

Sir Harcourt Johnstone—continued.

1872, 68·9; but that involves both the stations not under the Acts, where the disease was following its own course, and those under the Acts, where the Acts were coming into operation. That is a complication that we have to keep clear of.

852. These are recognised facts, that the disease, from 1861 to 1866, fell from 31·26, as I have it, to 23·39, or thereabouts?—You are going into secondary symptoms.

853. Yes, the hereditary disorder?—I thought you were speaking of primary.

854. No?—If you put that question, I shall be happy to answer it.

855. I mean as to the secondary or constitutional hereditary symptoms; the true syphilis; did not that diminish in as great a ratio, to say the least, before the Acts were in operation, as since?—It diminished from 32 in 1861, to 24·8 in 1866.

856. And the Acts were not fully in operation?—They were not in operation at all.

857. They were fully in operation in 1870?—In 1870, but not in 1866.

858. Then, I take it, from 1870, when the Acts were in operation, to what extent has that constitutional syphilis been diminished?—In 1871, it was as low as 20·3.

859. I must repeat my question; to what extent has constitutional disease been diminished since 1870?—In 1871, it was reduced to 20·3.

860. And it is now at what?—It is now at 26·6.

861. Therefore, so far from being a decrease, that is a very marked increase?—It is an increase as from that year, but this year, 1870, was a year of extremely low ratio of disease altogether, and it was in strict proportion, or nearly strict proportion, the secondary cases to the primary cases, as I pointed out before.

862. The fact still remains, that there has not been a diminution of true syphilis since the operation of the Acts in any greater ratio than there was before?—There has been actually none, if you take the six years.

863. I think you said disease is due, no doubt, to tradition; you mean the character of the regiments is well known to the whole army; some regiments have a lower tone among them, and I think you said, in addition to that, there was a great difference in the cleanliness between one regiment and another; one regiment was enjoined by its medical officers to be more clean?—I should not say they were enjoined to be more clean. I would not say on all occasions there was a great difference in the actual cleanliness.

864. When you referred to the care taken, what did you mean?—I rather referred to the care that an attentive medical officer will take, who whenever a man comes to him, who has concealed disease, will at once say, "You have concealed this; I will report you;" exercising a check of that sort, and looking carefully after the men in that way.

865. I think you stated that where there was more ablution there was more disease?—That was in one case.

866. Is it not possible that where there were means for sanitation provided, the men thought they were likely to have immunity from disease, and therefore were more reckless?—No, I would not like to say that; I believe those who really had less disease amongst them, were particularly

Sir Harcourt Johnstone—continued.

ticularly careful as to that part, though they did it of themselves from a regimental tradition.

867. Do not you think that fatherly care led them to be rather more reckless in the first step?—No; it was not those who actually had the means provided. One regiment, for instance, had a very small ratio; I rather think it was that the men had as a habit acquired this practice of using ablution the moment that there was a possible contraction of the disease, though it was not impressed upon them as a regimental arrangement; it was the practice of the men to do that.

868. I suppose it was really provided as a regimental arrangement?—In that regiment, mentioned previously, it was; but it does not appear that the men adopted it at a proper time.

869. That was the object?—That was the object. The object was good, but it failed in its object.

870. With regard to the examination, to what extent does it exist; does it exist in all the regiments, or according to the discretion of the commanding officer?—It does not exist except in the stations that are protected. There is an order for its being carried out; at least there was when I was there.

871. I suppose you found, practically, a difficulty in a statistical point of view, in comparing two stations together, to get an accurate and fair return; for instance, you would not think of comparing Shorncliffe with London, or the attractions of Shorncliffe with the attractions of London?—There is a very general misapprehension as to the nature of that; I would never compare London with Shorncliffe directly; I would not compare any one of the unprotected stations with any of the protected stations directly. I put all the unprotected stations as a group together, and compare London amongst those stations from 1861 to 1866 as against London and the same stations from 1867 to 1872.

872. I suppose you consider that a perfectly fair statistical method, do you?—It is the only fair one; the only one by which you will have both points under observation in the different elements of your comparison.

873. You would not compare a station like Manchester with Shorncliffe, I suppose?—No; I would put Manchester with the stations not under the Acts, and compare one period not under the Acts with Manchester at another period not under the Acts, but I would not compare it directly with Shorncliffe.

874. If you are so very accurate, do you compare the exact conditions; for instance, in the case of a regiment arriving from a protected district coming to Manchester, can you take those considerations into account?—Upon the mean, by using a large mass of stations, by using the largest mass you can get, you arrive at a mean effect upon all those points, and it is the only way by which you can neutralize the disturbing elements.

875. Can you absolutely get rid of all these disturbing elements?—I would say not. In statistics you cannot do it, you can only approach the mean as well as you can.

876. Now we will go to another point, whether these are really epidemics that occur from time to time in different places, or is it not the case that a whole regiment may be diseased by the presence of a particular class of women of that character?—No doubt there are some bad cases of disease

0.116.

Sir Harcourt Johnstone—continued.

Mr. Lawson.

10 July
1879.

amongst the women, and if the men consort chiefly with these women they will suffer to a greater extent, but I think it cannot be questioned that there is a strong epidemic element, whatever the nature of that may be, in the great fluctuations which I have pointed out, just as it is with smallpox or measles.

877. That is one of the disturbing causes which would upset all your averages and calculations of recruits and reserves, if it comes in an epidemic form?—Certainly, you must take a sufficient number of years to put the epidemic against the non-epidemic period.

878. There was an epidemic of smallpox in London in 1877, was there not?—There was one far worse in 1870-71, which disturbed all the calculations.

879. You think there is the same recurrent coincidence with disorders of this character?—Yes.

880. Is it not the case, that with the civil population of the country, the worst and most dangerous form of syphilis has been on the whole diminishing, independently of any Acts of Parliament?—It is very difficult to arrive at anything like precise information upon the point.

881. You referred to what is called "imported disease" in Aldershot; coming from outside, from districts unsubjected, and, I suppose, from recruits also?—Everybody who came from districts not under the Acts.

882. Is it not the case that you may export disease, as well as import it?—Certainly.

883. And, therefore, if you are sending from your unsubjected district men with disease, as you do not examine them before they leave, you may tend to swell the returns in the subjected district?—You send them from a healthy place to a less healthy place, and, therefore, though you may communicate some, you communicate much less than if they had come from a place where there was no restriction.

884. You have no security, if one morning you send 800 men away, that you are not sending 150 with disease?—I think there would be strong security that there was not anything like that number.

885. You cannot give it us as a fact?—I think I can give it you, if not as a fact, a probability so strong as to amount to a fact that such a thing could not happen.

886. If the principle be right of examining men when they come into a subjected district, why should not they, on the same principle, be examined when they came into an unsubjected district, provided that the operation of examining them is one which it is desirable to continue?—That is a thing to be discussed upon its merits.

887. Special care has been taken of the subjected districts, but no particular care has been taken of the non-subjected districts, as far as examining the soldiers is concerned?—Clearly. In the subjected districts you are carrying on a great experiment, and it would be futile to carry it on and to leave such a disturbing cause unlooked after.

888. It is not so much the health of the people as the experiments of the Acts?—I look upon it as the experiment of the Acts.

889. If the health of the general population of the country, independently of the soldiers, had been the intention of the Acts, will you tell me why the examination was not conducted in the

unsubjected

Mr. Lawson.

10 July
1879.

Sir Harcourt Johnstone—continued.

unsubjected districts?—Simply it was not; that is all I have to say.

890. Therefore, for all you and I can tell, the consequence of not having a regiment examined by the medical officer might have been to send a great quantity of disease into the country?—There would be less from the subjected districts than coming into them.

891. You presume there would be?—I have no doubt from the course of the disease in the district being so much less.

892. As there is a constant interchange of regiments, and the fluctuations have not been of any great and varied extent, how can you say there is any certainty of a regiment leaving Aldershot and going into Manchester not bringing a great amount of disease?—Because the prevalence of disease at Aldershot is considerably less than, I will not say at Manchester, but at other places. I do not mean to say no disease may be carried out; certainly it may be, but I do not think it would be much.

893. I point that out as likely to disturb your averages?—It would not affect the averages as to Aldershot.

894. You have taken credit for the imported disease, but you do not take any debit for the exported disease?—On the contrary, I have made an allowance of a 26th of the total admissions in the year expressly for that purpose.

895. I think you said there were 18 per 1,000 imported?—Yes.

896. What did you allow for the exports?—I allowed 1-26th of the remaining rate, 49.

897. I think you only allowed two; what was the per-centage you allowed?—It is upon the actual per-centage; 66·8 venereal sores appear in the returns; 18·8 were imported. That reduces the number to 48. I then add for the men on furlough, who had they been at Aldershot would have been contracting disease at the same rate, therefore you must increase the rate for them, and that makes 49·2. I then add 1-26th of the 49·2 for possible exported cases, that is assuming that every man attacked or infected for a fortnight before he leaves, goes away in a diseased state.

898. You think that covers the whole case?—More than covers it; I do not think there will be anything like that number; but I have assumed that to give it a full average.

Sir Harcourt Johnstone—continued.

899. That does not appear in your Army Returns?—No; what appears there is the 66·8.

900. These are merely problematical calculations on your part?—No; the deductions for the imported cases are actually what were reported to me as imported.

901. That is an ascertained fact?—Yes.

902. The other is an unascertained fact?—The part beyond that is an inference from it.

903. With regard to the surgeons of the Guards, I only have it from rumour, and it may be quite incorrect, that there has been some change at different times in the surgeons of the Guards, owing to the medical examination of the soldiers being compulsory, and that others have taken their place who were not so averse to it?—I cannot say much with regard to the Guards, because they are altogether out of the administration of the army generally, and I am only very perfunctorily acquainted with their practice.

904. You made a remark with reference to stations under the Acts; you said some of those stations under the Acts were left by women, who go out of them to be cured elsewhere?—No, it is just the opposite. Many women from stations not under the Acts, or places beyond the power of the Acts, come into the stations where the Acts are in force, to be cured.

905. That is, I believe, from the absence of hospitals outside the subjected districts?—I presume so; they being unable to get medical treatment outside.

906. I suppose if the same care were taken to provide hospitals in the unsubjected districts, women might have the opportunity of being cured?—If they would admit them.

General Shute.

907. Am I right in saying that men who are diseased are not, as a rule, desirous of having connection with women, whereas diseased women who make their livelihood by prostitution, are disposed to have connection with men?—The latter we know to be the case. As to the former, I do not think any man of proper feeling would do so.

908. With gonorrhœa, in some cases it would be positively painful?—As a general rule, I believe they would not.

909. So that diseased men do not propagate the disease in anything like the same ratio as diseased women do?—I should think not.

Wednesday, 16th July 1879.

MEMBERS PRESENT:

Colonel Alexander.
Mr. Cavendish Bentinck.
Viscount Crichton.
Sir Henry Holland,
Sir Harcourt Johnstone.
Mr. Kavanagh.

Mr. Shaw Lefevre.
Mr. Massey.
Mr. Ernest Noel.
Mr. O'Shaughnessy.
Mr. John Tremayne.

THE RIGHT HONOURABLE W. N. MASSEY, ESQ., IN THE CHAIR.

Mr. ROBERT LAWSON, re-called; and further Examined.

Chairman.

910. It has been stated in print by Dr. Bell Taylor, that a primary sore is of little consequence; do you concur in that opinion?—By no means; a primary sore is occasionally of little consequence, but it is not unfrequently of very serious consequence. It may not only lay a man up for a considerable period, but it not unfrequently leads to buboes, which go on and make him inefficient for a couple of months or more; and besides the sore occasionally takes on what, in professional language, we call an unhealthy action, and it may lead to great destruction of the parts before it can be stopped. It does not affect the constitution, but otherwise it is by no means a matter of small importance.

911. There are such things as simple abrasions, are there not?—Yes.

912. Is it difficult to distinguish between a simple abrasion and an abrasion containing venereal taint?—The one is merely a superficial abrasion, and the other is more or less a defined ulcer.

913. A surgeon experienced in the treatment of this disease would generally, I understand, be able to distinguish between an abrasion and a venereal sore?—Generally.

914. Should you think it safe to neglect primary sores?—Not at all.

915. Is it within your experience that they, frequently or unfrequently, develop into constitutional syphilis?—The ordinary sores, what are called non-infecting sores, do not generally do so; it is a question in the profession whether they do not do so sometimes, but they do not generally do so; but what are called infecting sores, which are the true venereal sores, are what generally lead to constitutional symptoms.

916. Can a man be affected with secondary symptoms without having first had a primary sore?—No, I do not think that he is likely to be so; there must have been a primary sore to convey the infection in the first instance, but it might have been in another part of the body altogether.

917. What is a chancre; does it denote constitutional syphilis?—It is generally confined to that term; the term is loosely applied; but is generally confined to the sort of sore which gives constitutional syphilis.

O.116.

Mr. Shaw Lefevre.

918. I presume you will admit that those cases of primary syphilis are the most important which lead on to secondary syphilis?—Certainly.

919. And you state that about one-third of the cases lead to secondary syphilis?—That seems to be about the proportion.

920. Then it is practically only one-third of the primary syphilis cases which are very important?—It comes to this: the other that you just mentioned frequently leads to consequences that it is very advisable to prevent.

921. Are they more serious than gonorrhœa cases?—Much more serious.

922. In what way?—In leading to buboes, which lay a man up for a long time.

923. But only a small proportion lead in that way, do they?—A moderate proportion.

924. Do you mean a very small proportion?—Not a very small proportion.

925. What proportion?—I should say one in four or five cases.

926. In deducting those cases which lead to secondary syphilis, about one in four are serious cases, inasmuch as they lead to buboes?—Quite so.

927. Then the other three-fourths are not serious cases?—They are much slighter.

928. You have paid a great deal of attention to the statistics of this disease, have you not?—I have; will you allow me to say that we can never tell, when we see any particular case, whether it will lead to those consequences or not.

929. You have said that you have paid great attention to the statistics of this disease?—Yes.

930. And especially with reference to the effect of the Acts of Parliament?—Yes.

931. And you are satisfied by the statistics that there has been an important improvement effected, since the Acts were passed, upon those districts subject to them, in respect of all three classes of disease?—Yes.

932. That is the result of your experience in respect to secondary syphilis, primary syphilis, and gonorrhœa?—Both in respect to primary syphilis and gonorrhœa; with reference to secondary syphilis, we have hitherto dealt with it only as it affects the whole army; we cannot separate the cases of stations under the Act from the others not under the Act.

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933. I understood

Mr. Lawson.

16 July
1879.

Mr. Lawson.

16 July
1879.

Mr. Shaw Lefevre—continued.

933. I understood you to say that there was a diminution of the cases of secondary syphilis, and you attributed it wholly to the effect of the Acts?—Yes.

934. Now, as to your comparison with respect to primary syphilis, your method of comparison is this: in the first case you abandon all statistics after the year 1873, in consequence of Lord Cardwell's order, which you say has so disturbed the statistics that you cannot make any use of them?—Yes, we cannot trust them.

935. May I take it that this table put in by Sir William Muir before the Committee, Table 2, which mainly deals with cases after 1873, is unreliable?—Table 2, on page 4, does not deal with secondary syphilis, but with primary syphilis.

936. May I take it that the effect of your evidence is, that that table is of no great use, for any purposes of argument, upon the result of the disease?—Not after 1873.

937. And for the purposes of comparison you abandon anything taking place after the year 1873?—Yes.

938. That being so, you are driven back entirely to what took place before the year 1873, for the purposes of comparison?—Yes.

939. In the case of primary syphilis, I observe that you have compared the six years after the year 1867, with the six years previous?—Yes.

940. You have first compared the results in those districts where the Acts apply, and then you have compared them with those cases in the districts where the Acts do not apply?—Yes.

941. That is your method of comparison?—Yes.

942. And you attempt to show that while there has been a considerable reduction of cases in the districts where the Acts apply, there has been no reduction in the districts where the Acts do not apply?—Yes.

943. Now let me again call attention to Sir William Muir's return; in that return, if you compare the ratio per 1,000 since 1867, in the unprotected districts, with the ratio per 1,000 before 1867, you will find that there has been a positive increase of primary cases?—This table, from 1860 to 1866, does not include London.

944. Therefore the Table is, for the purpose of comparison, unreliable?—It is unreliable, because they include London in the subsequent part.

945. As the ratio in London is much larger than anywhere else, the effect of including it in the last six years, and excluding it in the first six years, is to mark an apparent increase in the last six years?—Yes.

946. Therefore the Table, as it stands, is unreliable for comparison?—Yes.

947. And you have added London for the first six years, for the purposes of comparison?—Yes.

948. And it shows that there has been no increase in primary cases in those districts?—There has been no increase in those districts.

949. How have you arrived at your ratio per thousand for London, for the six years?—By taking up the numbers that are given for London, up to 1863, in the Army Medical Report for 1863, p. 429, and from 1864; they are given in full detail in the Report of the Royal Commission on the Contagious Diseases Act, volume 2, page 813.

950. Is not yours an estimate and not a fact?—No, it is an absolute fact.

Mr. Shaw Lefevre—continued.

951. Does it give it separately for London, for each year?—Yes, for all the 14 stations mentioned both under and not under the Acts, the strengths each year and the admissions.

952. For the six years before 1867 have you any facts showing the number of troops, in each of those years, in London, and what the proportion of primary syphilis cases is in each year?—Yes, from 1860 onwards; we find in this book, at page 429, the returns from 1860 up to 1863; these returns are given at length for each station.

953. Does it give London separately from Windsor?—No.

954. Therefore, you have made an estimate for London separately?—No, I have included Windsor with London.

955. And therefore the estimate is not altogether reliable, inasmuch as it does not absolutely distinguish London in respect of those six years?—It is the nearest thing we could get.

956. That being so, would you not think that it would be a better method of comparison to exclude London from the six years, beginning at 1867?—No.

957. Why not?—Because the greater number of our protected stations are down in this neighbourhood, and it is an object for us to have in this neighbourhood the largest number of men at unprotected stations that we can possibly get. London affords us the largest number, and it is of the greatest importance to include London.

958. Inasmuch as you cannot accurately give the facts for the six years, from 1860 to 1866, with regard to London, would it not, for the purposes of comparison, be more fair to exclude London for the six years after 1866?—I think that we should do much to injure our comparison.

959. Have you tried that comparison?—I have tried it.

960. Does not it work out very differently?—No.

961. What does it work out?—I have not got the details here, but before doing it I went over the whole thing, and tried to find out what it would be, and I came to the conclusion that as Windsor was at no time more than about one-seventh the strength of London and Windsor, and as I could not find out from inquiries that the rate of disease was materially different in Windsor from that of London, it appeared to me that there was no objection to including it, and that it would not affect the average sensibly, if I included it in the comparison.

962. You admit that London is a very disturbing element?—Yes.

963. In consequence of the very high ratio of primary disease in London?—Yes.

964. Much higher than any other district?—Very much higher, generally, than the other districts.

965. Why have not you included all the districts not subject to the Acts; why are there 14 selected districts?—The 14 districts were originally selected because they had strengths amounting to 500 men and upwards. I had nothing to do with that selection; but it would be the same to me whether the whole army at home, not under the Acts, were taken, provided only that the comparison was given from the earliest to the latest period.

966. Have you got those figures?—No, I have not; they have never been published.

967. Does

Mr. Shaw Lefevre—continued.

967. Does it make no difference whatever in the ratio per 1,000, whether you add those other districts, or not?—It would make a very material difference in the ratio per 1,000, as compared with this table; but the ratio per 1,000 from 1861 to 1866 over the whole of that force, will compare equally well with the ratio per 1,000 from 1867 to 1872, over that force.

968. How do you know that, inasmuch as the figures cannot be obtained?—That is my impression; and I should be perfectly willing to take them, and act upon them if I could get them.

969. How is your impression derived?—Simply from observation of the incidence of the disease in the country, and I presume that the other stations, if taken together, would show a similar resemblance to these stations.

970. That is merely an impression of yours, not founded on facts?—So far it is founded upon facts.

971. So far as it deals with the 14 selected districts; but I ask you, have you any real data to proceed upon with reference to districts not included in the 14 selected districts?—I have not, and never have had; they are not published.

972. Inasmuch as London is a very peculiar case, would it not be better to include the districts where there is a small number of men, and where the ratio is very small?—Yes.

973. And you think it would be better to take all the unprotected districts?—Yes.

974. But this table does not give it?—No.

975. Reverting again to your comparison as to primary cases; you compare the protected districts for the six years after 1867, with the protected districts for the six years before 1867, and I presume that you adopted that method of comparison, because the principal Act came into operation at the beginning of 1867?—Yes.

976. And you think that a better mode of comparison?—Yes, so far as experience goes.

977. You have said that you consider the method of comparison in the case of primary venereal, to be the best that you can apply to it?—Certainly.

978. That is to say, in comparing the six years after 1867 with the six years before 1867?—For that period, and for that particular purpose.

979. You think that the very best method of comparison?—It is the only sound one.

980. You do not think that open to the objection of the honourable Member for Halifax, that where there is a gradual descending scale, it is not fair to compare the six earliest with the six latest years in such a scale?—When you have a gradually descending scale the question is what point you are to take as your mean for comparison. You must take the mean of the period, otherwise you assume an arbitrary point, which may be correct or incorrect.

981. You do not think that it is open to the objection of the honourable Member for Halifax;—No.

982. And you think that it is a perfectly sound system?—I think it is a perfectly sound system.

983. Why have you not applied the same system to the comparison of gonorrhœa cases?—I have done so.

984. I understood that you had not followed the same system; for the purpose of gonorrhœa, 0.116.

Mr. Shaw Lefevre—continued.

you compare the four years from 1860 to 1863, with the four years 1870 to 1873, that I understood to be your method of comparison. Let me call attention to your evidence on the last occasion. In answer to Questions 497 and 498, you comprehend, for the purpose of ascertaining the effect of the Acts upon gonorrhœa cases, the four years 1860 to 1863, with the four years 1870 to 1873?—Yes.

985. And you showed that there was a difference in the improvement of the two districts, the protected and the unprotected?—Yes.

986. And you deduce from that that the Acts have produced an advantage, which you estimate at 17 per cent.?—Yes.

987. Why did you apply to gonorrhœa cases a different method of comparison to that which you applied to primary syphilis?—The fact is that I thought I had applied the same period of years.

988. When did you work out those figures?—I worked out the figures two or three years ago.

989. Has it ever occurred to you to apply to gonorrhœa exactly the same method of comparison that you applied to primary cases?—I thought that I had done it in this case.

990. Does not it work out very differently?—I will be able to give you the numbers immediately.

991. Would you say that that method of comparing four years with four years is as good as the other?—That method of comparison was done with a different object from the other; it was to show the state of things before the Acts were introduced at all, and to show the state of things again, from 1870 for four years, when they were in full operation.

992. You have just said that the only method of comparison in the case of primary venereal is to compare the years from 1861 to 1866 with the years 1867 to 1873?—That is for those periods.

993. Why did not you apply the same methods of comparison to the cases of gonorrhœa, when you came to give evidence?—To tell you the plain truth, I thought I had.

994. But it turns out that you have not. Now, will you add up the figures and make the comparison for gonorrhœa in the same way as you have made it for primary syphilis; and then I will ask you whether it does not show that there has been a less improvement in the protected districts than there has been in the unprotected districts?—Taking the period from 1861 to 1866, the admissions for gonorrhœa to stations never under the Acts were 109, but that includes London.

995. From what year?—From the year 1861 to 1866.

996. I make out the figures from 1861 to 1866, from Sir William Muir's return, to be 123?—The figures that you have in Sir William Muir's return do not include London; those I speak to include London.

997. Did you include, or exclude, London, when you made the comparison between the four years 1860 to 1863, and 1870 to 1873?—I have included London there also.

998. What is it according to Sir William Muir's table?—This table of Sir William Muir's would be taking the mean of those ratios; but that is not correct. This is a mean of ratios which

Mr. Lawson.

16 July
1879.

Mr. Lawson.

Mr. Shaw Lefevre—continued.

Mr. Shaw Lefevre—continued.

16 July
1879:

which will differ from mine. From 1861 to 1866 it would be about 122.

999. What is the ratio from 1867 to 1873?—It will include London; and I may tell you that London has a very small ratio of gonorrhœa, whereas the other districts which are included have a very much larger ratio, so that that comparison would be of no good.

1000. Will you tell the Committee what it is?—It is nearly 108.

1001. Then, according to Sir William Muir's figures, as to there being an improvement in the districts not under the Act, from 122 to 108, if your method of including London be a good one, it would be from 109 to 108?—No; from 1861 to 1866 the admissions, as I have told you, were 109; from 1866 to 1872, the period to which I made them up, they were 110·2.

1002. The figures, such of them as you have given us, differ from Sir William Muir's Return?—No; in the first place he includes 1873, which I do not do, and in the second place he takes the totals of the ratios.

1003. I take from 1867 down to 1872?—It makes a difference; mine is 110·2.

1004. Now take the protected districts in the same way?—It gives 132.

1005. I make it out only 126, and 119?—I believe you are wrong; I make it 124 and 115.

1006. Then there has been no decrease, according to that, in the protected districts?—But you will observe that you have a considerable difference in the number of people under observation.

1007. I apply your own method of comparison?—But my method of comparison is not by taking the mean of the ratios, but adding these forces together, and taking the total number of cases, and dividing them, which gives you a different ratio from the mean of the ratios.

1008. I apply to gonorrhœa cases the same method of comparison that you apply to primary sores?—As to years, but not as to detail; you take a mean ratio, that is the mean of the ratios, which gives you a different thing altogether from the mean ratio which is obtained by calculating with the total strength and the total admissions for the period.

1009. I have endeavoured to do that?—I can give you the numbers that have been so taken.

1010. In comparing the years 1860 to 1863 with 1870 to 1873, you adopted the figures of Sir William Muir's table, did you not; I have worked them out, and it appeared to me that they worked out with that result; why are you to abandon that method of comparing the years 1861 to 1866 with the years 1867 to 1872 in the gonorrhœa cases; when you work them out upon that principle, does not it appear that in this table there has been an increase in the ratio of gonorrhœa cases in the protected districts, where there has been an equality in the ratio in that of the unprotected districts?—From 1860 to 1863 the stations which I take as the non-protected stations included London.

1011. I do not now talk of the non-protected districts, we were discussing the protected districts and taking the ratio of those?—The ratio of those, for the four years, is 135.

1012. I am not taking the four years, I ask about the six years, from 1861 to 1866, and 1867 to 1872, and what I want to bring your mind to is that that comparison shows a totally different state of things from the comparison of the four

years 1860 to 1863, and 1870 to 1873?—They will show a completely different ratio, because they refer to a different period.

1013. But why did not you apply, in your comparison, the same method, which you say is the only sound one, which you applied to primary syphilis?—I have applied the same method.

1014. No, you apply a totally different one; you told us that the only sound system of comparing the result of primary syphilis is to take the six years, 1860 to 1866, and compare them with the six years, 1867 to 1872?—That is as to that period.

1015. You came before us to show the effect of the Acts, and you apply a different method of comparison in the primary syphilis and gonorrhœa cases; why did not you apply the same method to both?—In the gonorrhœa cases I thought that I had included these two same periods.

1016. You have given us totally different periods?—I was not aware of it. I can now give the figures for the two six yearly periods for gonorrhœa, both for the districts under the Acts and for the districts not under the Acts, but not under the Acts the numbers do not agree with this return, because they have not included London from 1861 to 1866.

1017. And making that correction, you make out that there has been about an equality in the unprotected districts?—Yes; in the other districts I give the numbers also in the stations that come under the Act; of gonorrhœa cases in the first period, from 1861 to 1867, it was 125·1; but, during the second period, when they were partially under the Act, the ratio diminished to 114·6.

1018. I do not make it out so; I make it out to be only 119?—I have mentioned to you that you take the mean of the ratios; I put together the strength for the six years, and the admissions for the six years, and have divided them as one number, and the result came out as I mention, 114·6; if you take the mean of the ratios for single years, you are always liable to error, which may be more or may be less.

1019. At all events, using that method, it works out very differently from comparing the four years with the four years; in comparing the four years with the four years, you show a reduction of 34 per 1,000?—Yes, they are different periods altogether.

1020. Why did you give to the Committee a different comparison for the one class of disease to what you did for the other?—I omitted the gonorrhœa altogether unknowingly; I thought it was put before the Committee.

1021. It was not a case merely of omission, but to give us the effect of the Acts upon the gonorrhœa you gave us the four years, 1860 to 1863, and told us to go and compare them with the four years, 1870 to 1873?—Yes, and they form a proper basis of comparison, before the Acts were in operation at all, and after they were fully in operation.

1022. According to the statement you now make, the whole difference in the case of gonorrhœa in the protected districts, is from 125 to 114·6?—Yes.

1023. A difference of 9 per 1,000 only?—Yes.

1024. Instead of 34 per 1,000?—Yes; but this includes the period when the Acts were not fully in operation at all these stations; the Acts did

Mr. Shaw Lefevre—continued.

did not come into full operation until 1870, and this includes four years before that.

1025. Have you worked it out only as to the force under the operation of the Act?—No.

1026. If there is any force in that observation, you ought to exclude in the earlier years the forces not under the Acts?—I have given there the forces not under the Acts.

1027. I do not mean the districts, but the actual force. I understand that you must make some deduction or addition to the comparison in respect of this, that all the forces represented as being in those stations between the years 1867 and 1872 were not under the Act?—There are two classes of stations, one class where the force is never under the Acts at all; then the other class in which the stations are given from the very earliest periods; the Acts commenced to be in force in 1866, and they were gradually put in force at a certain number of stations until 1869; in 1870 they were in force at the whole of them; but until 1870 they were not in force at the whole of them.

1028. I am now comparing your two methods of comparison: in the one you gave us when last examined, you showed that there was a reduction of 34 per 1,000, whereas now, applying to gonorrhœa the method of comparison which you have applied to primary syphilis, there is shown to be only a reduction of 9 per 1,000?—These are for the two periods; the comparison is exactly the same, only they are different periods employed.

1029. Now I want to bring your mind to this: that when you apply to gonorrhœa the same method that you applied to primary syphilis, you show a reduction, not of 34 per 1,000, but only of 9 per 1,000?—For that period; and the comparison is sound for that period.

1030. You have already told us that the method of comparison that you applied to primary syphilis, is the only sound one?—Yes.

1031. And while there has been a reduction in gonorrhœa of 9 per 1,000, the actual ratio for the last six years in the protected districts was larger than the actual ratio in the unprotected districts?—It had been that from the commencement; in comparing the diminution you must take the fact into consideration, that in the districts that came under the Acts the ratio of gonorrhœa was, from the commencement, higher than that of the others.

1032. Do you think that that decrease of 9 per 1,000, which you show for gonorrhœa cases, is a satisfactory decrease?—It was all the decrease that took place up to that period; treating it in that way, you observe that there are figures of two different comparisons there; there are those for the stations under the Acts before the Acts came in force; there are those for three years, when they were gradually being put into force, and those for three years, when they were actually in full force; and that comparison for six years shows a less reduction upon the previous rate, because it includes different elements; but the other one, which so far as the periods are concerned, treats them in exactly the same way, takes you altogether before the Acts were in force, and compares it with another when they were in full operation; it is a different period, and that comparison with that period is equally sound.

1033. You told us that in the case of primary venereal disease, that the only sound method of

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Mr. Shaw Lefevre—continued.

comparison was comparing six years with six years?—By no means. The method of comparison is by putting them together and comparing equal periods, and for this period it is a sound comparison; but if you take other periods you employ the same comparison, but for different periods; the principle does not consist in comparing six years with six years; you may have four years with four years, but you must have a similar period, and under similar circumstances, except in the matter that you wish to test.

1034. I have applied what you seem to have admitted is the only sound principle to gonorrhœa cases; and I find that the reduction of disease is only 9 per 1,000; assuming that to be the real decrease due to the Acts, would you think it a satisfactory decrease?—I say that that is a decrease shown by the Acts as they came to be partially applied within those six years, but I do not mean to say that that is a satisfactory comparison to show the ultimate and complete reduction which the Acts produced; it must be taken strictly in connection with the circumstances. The style of comparison is perfectly sound, but if you alter the periods to which it is to be applied, you must of course alter the points of observation, and maintain throughout the same principle.

1035. Does not that tend to show this, that it all depends upon the method of grouping, in respect of the number of years and the stations brought into comparison?—Certainly; I have explained that half a dozen times.

1036. Your method of comparison, taking the four years from 1860 to 1863, with the four years 1870 to 1873, shows a totally different result from the six years 1860 to 1866 and 1867 to 1873?—Yes, because they are different periods, and under totally different conditions.

1037. Does not that tend to show that you produce very different results by assuming different methods of comparison?—No, the methods of comparison are for definite points at definite periods; and the comparison given is perfectly sound for those two periods.

1038. The principal Act came into operation in 1866, did it not?—Yes.

1039. And it is only after that period that you can get a fair comparison to show the result?—Yes, but you cannot take a fair comparison, taking this table as it stands, without considering that a very considerable number of the stations did not come under the operation of the Act until later than that.

1040. The table does not enable you to separate the troops actually under the Act from the troops not under the Act, does it?—They did it in that way, originally, but they objected to it because it was erroneous; and I think fairly so; you have to take the stations that have been under the Acts from the very first, and keep them by themselves, to show the natural course of the disease in them.

1041. According to that view, it is impossible to get a true method of comparison, whether you adopt this method of Sir William Muir's or adopt the other one?—By no means; I maintain that the other gives the true method of comparison.

1042. You cannot give one to us showing the troops actually under the Acts and the troops not under the Acts?—I have here a book which gives it, but it was abandoned because it was

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Mr. Lawson.

16 July
1879.

Mr. Lawson.

16 July
1879.

Mr. Shaw Lefevre—continued.

deemed an improper comparison; and I think it was abandoned with perfect correctness.

1043. I thought you admitted it to be an erroneous method, the one that you are now advertising to, of giving those merely actually under the Acts at the moment?—I think so, and I say so.

1044. Which is the true method of comparison?—The true method is this one; but you must alter the details as to those which have never been under the Acts, by including London.

1045. You say this is not correct, because it does not approach to the other one, which you say is erroneous?—No; you quite misunderstand me.

1046. You admit that the one contained in that book is erroneous, which gives the comparison of the troops under the Acts, and those not under the Acts?—It is in a previous book to the one I have here, and it was abandoned, and this arrangement adopted, putting the stations that come under the Acts all together from the very commencement, and that is the proper plan of doing it.

1047. Assuming that the reduction shown in the comparison of six years with six years is only nine per 1,000 in gonorrhœa, is that a satisfactory result from the Acts?—Under the circumstances in which the places were situated at that time.

1048. You call it satisfactory?—It was satisfactory, inasmuch as it was against nothing at all on the opposite side.

1049. Do you think it probable that it is in consideration of that very small diminution, that other medical officers have come to the conclusion that the Acts do not affect gonorrhœa?—They came to that conclusion, principally, not by comparing the decrease of gonorrhœa, which had existed at those stations which came under the Acts, at one time with another, but by comparing them crosswise with stations where there was a less amount of gonorrhœa prevailing from the first.

1050. Have you tested these statistics of the army, by comparing them with the statistics of the navy?—I have looked at the navy statistics, but they are so different in most particulars that you could not compare them.

1051. Taking the statistics in any way you can, are you aware that they show a very large increase in gonorrhœa cases?—I am aware of that; and I am aware that an explanation has been given, which is a very just explanation.

1052. What is the explanation given?—That previous to the days of that increase, many gonorrhœa cases had been treated without putting the men on the sick-list at all.

1053. Slight cases?—They may be slight; I presume they are not serious cases; I am not acquainted with the navy.

1054. Do you believe that to be a sufficient explanation; have you tested it by inquiring whether the duration of cases of late years has increased very much?—It would not affect that point.

1055. Surely it would if the slight cases were neglected before the Acts, and have been treated since the Acts?—On board ship the men were treated while they remained at their duty; and long before the Acts were heard of, in conversation with medical officers at naval stations, I used to find that that is the way they did it.

1056. You told us the other day that women not infrequently come from the unprotected dis-

Mr. Shaw Lefevre—continued.

tricts into the protected districts for the purpose of being treated?—Yes.

1057. Why is that?—Because they cannot get treated out of them.

1058. Is that usually the case in the unprotected districts?—Really, I have no knowledge of what goes on in them, further than a general opinion which I have heard stated to that effect.

1059. That is the explanation you give, that they cannot get treated in the unprotected districts, and they come into the protected districts for the purpose of hospital treatment?—Yes.

1060. Was it the case that in the unprotected districts, before the Acts, this class could not get treated for disease?—I believe so.

1061. May not the fact, that since the Acts they have been able to have treatment from different places where they could not get treatment before the Acts, have operated in the direction of diminishing of disease, apart from the other operations of the Act?—That, no doubt, would diminish the disease, and that is one of the chief objects of the present Act, to get them treated.

1062. Is it not possible that, quite apart from the periodical inspection, and the many compulsory parts of the Act, the mere fact of supplying hospitals where women could be treated would have produced a considerable effect upon the disease?—So far as I have heard the Act of 1864 failed; they could not get the women to go into the hospitals.

1063. According to your statement the women came from unprotected districts into protected districts for the purpose of treatment, because they could not be treated in the unprotected districts?—Yes.

1064. Does not that show that if hospital accommodation was supplied they would go into the hospital?—There is the fact, that when they had the hospitals they would not go into them.

1065. Does not the fact of women coming from unprotected districts into the protected districts show that that is not altogether reliable?—It may tend to show that it is not reliable to a certain extent that certain people would be glad to use them; but there is the other fact remaining, that when the hospitals were open they could not get the people to go into them.

1066. Is it your opinion that, supposing women could be treated in hospitals in the unprotected districts, there might be a diminution of the disease?—There would be a diminution of the disease to the extent to which you could get the people to submit to cure.

1067. Apart from the compulsory passing of the Act?—In London, if they could get the people to go to the Lock Hospital and get cured, so far as those people are concerned, they would be less able to propagate disease.

1068. And you think that there would be a reduction of disease if the women could be treated voluntarily in hospitals?—Certainly, if they would go there.

1069. Looking at the reduction effected, as you say, by the Acts, in the case of both primary syphilis and gonorrhœa, do not you think that that reduction might have been effected equally by merely voluntary treatment in the hospitals?—When they tried it, it failed to do so.

1070. But when did they try it?—They tried it all over the country, from 1864, when they had to alter the Act, and give power to send those people to the hospital for treatment.

1071. There

Mr. Shaw Lefevre—continued.

1071. There were only two years in which it was tried, between 1864 and 1866?—That is all.

1072. In your opinion, was that a fair trial to give to such a system as that?—Those who had it under consideration at the time seemed to think so, and that there was enough to indicate failure.

1073. Taking it in any way you like, do you think that the reduction effected by the Acts is at all considerable?—I think the reduction, as I gave it in my first evidence, is very considerable.

1074. What is the extent to which you put it?—In the case of primary syphilis, the reduction between 1860 and 1863, and 1870 and 1873, was 14 per 1,000 at stations not under the Acts, as against 78 per 1,000 at stations that were under the Acts; and I further put it that there is something like 20 of that number that were imported cases at the stations.

1075. Is it not fair to put against the imported cases the exported cases?—I made that allowance in making the calculations.

1076. What would the numbers you have given us represent in the efficiency of the army; what do you say is the reduction effected by the Act in primary syphilis?—These were the reductions at those stations; that would be a saving of 64 admissions under the Acts, as against the others not under the Acts.

1077. How many would that work out in the efficiency of the army?—You must get the period of the duration of the cases to give that.

1078. What was the period of duration of the cases?—It is variable; you may take it in round numbers at 28 days.

1079. It would be a month, in round numbers?—You want the total number who were actually in hospital daily.

1080. Yes; I am taking it from you that your figures of reduction are 64 per 1,000?—That is 64 per 1,000 cases admitted in the year; but we want to know the number of men remaining in the hospital every day to enable us to calculate the saving that we do not have.

1081. Surely when you have got the number of 64 per 1,000 you can apply to that the average duration of their being in hospital, cannot you?—You can get the average duration of their being in hospital, but not the average number in hospital; it is a complicated calculation; I cannot go through it at this moment, but it is considerable.

1082. If 64 men are attacked by a disease, supposing, instead of being saved by the Act, they were attacked by disease, they would be, according to you, in the hospital 28 days?—Yes.

1083. That is somewhat short of a month?—Yes.

1084. If you divide 64 by 12, you will get the number of men constantly in the hospital, will you not?—No, you must get the total number of days; it is a little complicated; at the present moment I cannot go through it.

1085. Would it be more than five per 1,000?—I cannot tell you, unless I make a calculation.

Mr. Ernest Noel.

1086. It is hardly complicated; supposing you give it 30 days a case, and there are 64 men per 1,000, that is 30 times 64, is it not; you divide by 365, and that gives five and a small decimal; you multiply by 30, which gives 1,920; and you divide by 365, and it is five, with a very small decimal?—It is.

O.116.

Mr. Shaw Lefevre.

1087. That is, taking your method of comparison, and assuming it to be the accurate and true one, the saving in the efficiency of the army in primary syphilis is five per 1,000?—It would be in this period.

1088. I assume your method of comparison to be a sound one?—Yes.

1089. Five per cent. upon a force of 50,000 men under the Act would be about 250 men?—Two hundred and fifty men, but you must include the period during which those came under the disease for secondary symptoms, which would be 8½rd days more.

1090. For the purpose of ascertaining that you must take the total number of men under treatment for it, and the reduction effected in the whole army, must you not?—It comes to 8½rd days.

1091. But the reduction in the case of the whole army was only six per 1,000?—That is for another period.

1092. No, taking the same period of six years, I understand it to be a reduction from 32 to 26 per 1,000?—I do not think I gave the details of that in my previous examination; I only mentioned that in the year 1872 there was a reduction of 7·62 per 1,000.

1093. I thought you gave us figures in which you compared secondary syphilis, in two periods of six years?—That is not the question of the loss of service.

1094. I am now taking the number per 1,000, and I thought it showed a reduction per 1,000 of six?—That is with regard to secondary syphilis.

1095. If it shows a reduction of six per 1,000, the question is, what effect it would have upon the efficiency of the army; you would have to apply to that six per 1,000 the same method as the honourable Member for Dumfries has done?—Yes.

Mr. Ernest Noel.

1096. It is about 6½ for the whole; if you add eight days, which I understand you should add to the 28 days, it makes 36 days; if you multiply 64 by 36, and divide by 365, you have got it, and that is 6½ days?—Yes, 6½ days.

Mr. Shaw Lefevre.

1097. We should have to add a very small item for the gonorrhœa cases, should we not?—The gonorrhœa cases do not amount to so much as that, but to nearly the same.

1098. According to the same method of comparison, the reduction in gonorrhœa cases would be nine per 1,000?—That is between 1861 and 1866, and 1867 and 1872; we have given the other as between 1860 and 1863, and 1870 and 1873, which is a different time.

1099. Why do not you apply to gonorrhœa the same method of comparison that you do to primary syphilis?—I maintain that I have done it.

1100. If you were to apply the same method, you would make a reduction of only nine per 1,000?—I make the reduction of nine per 1,000 as between 1861 and 1866, against 1867 to 1872, taking the six yearly periods; but what I have now given is a reduction as between 1860 and 1863, and 1870 and 1873 for primary syphilis; they are different periods altogether, one shows a full reduction, the other only a partial reduction.

1101. You begin by telling me that the only

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Mr. Lawson.

16 July
1879.

Mr. Lawson.

16 July
1879.

Mr. Shaw Lefevre—continued.

sound comparison as to primary syphilis was a comparison of six years with six years?—For that period.

1102. And that, you say, is the only sound method of ascertaining the effect of the Acts?—Yes, the only method for the period; I did not mean to say that that was the only period you could take.

1103. When you are comparing the effect of the Acts, would it not be desirable to apply the same method of comparison to both classes of disease?—The method is exactly the same.

1104. But the comparison is different?—You wish me to apply and deduce from a certain period of years, what we cannot deduce from it. I gave you another period from which the thing can be deduced, and I gave you the effect.

1105. Then along with primary venereal, you compare six years with six years?—No; but I gave you the case of venereal, and I compared it between 1860 and 1863 with 1870 to 1873, upon which this gentleman has made a calculation; I have been trying to put it before you very assiduously, but I am sorry if I have been misunderstood.

1106. I take your comparison in the case of primary venereal to be for six years with six years?—The six years has nothing to do with it, unless as referring to these years; it does not affect the method at all.

1107. The method may be the same, but the comparison is different, is it not?—My comparison has been given specially with reference to those years; but if I alter the basis of comparison, I apply the same method.

1108. But the basis is different?—The basis is distinctly specified in each instance.

1109. If you apply the same basis of comparison in gonorrhœa cases that you apply to primary syphilis, does the reduction appear to be more than nine per 1,000; I ask you to make a comparison upon the same basis as you have made for primary syphilis, namely, the six years from 1861 to 1867?—Then I say that the reduction upon that was from 125·1 to 114·6.

1110. That would be nine per 1,000, would it not?—Yes; but that does not show the full effects of the Act.

1111. Applying that basis of comparison, the result is nine per 1,000, is it not?—For that period, and under those circumstances.

1112. What would be the effect of that upon the efficiency of the army?—The effect of that upon the efficiency of the army would amount to nine men, the average duration of cases being about 18 days.

1113. That would give about half a man constantly in the hospital?—A great deal more than that.

1114. It is not equal to one man, is it; if you multiply nine by 18, it is not half a man per 1,000 constantly in the hospital, is it?—To get the full effect of the Acts, I maintain that you must take the period from 1860 to 1863, and compare it with the period from 1870 to 1873; it gives a very different showing; that gives a reduction of 24 men for gonorrhœa.

Mr. Cavendish Bentinck.

1115. I want to ask you a few questions, and I will endeavour to make them as general as possible, and not enter into the wilderness of figures in which you have been lately engaged;

Mr. Cavendish Bentinck—continued.

in the first place, with reference to syphilis, do you consider that a venereal disease of the most serious character?—It affects the constitution. Syphilis generally is the more severe of the diseases.

1116. Primary sore is the root of the disease, is it not?—Yes.

1117. That is to say, that it is not possible for any individual to have secondary syphilis unless he has had primary syphilis?—No.

1118. Therefore I am not wrong in assuming that primary syphilis is really the root of this disorder?—Yes; that is so.

1119. With regard to the disease of primary sores, I infer from the evidence that has been given, that they are of two kinds, one which ultimately, if neglected, will produce secondary symptoms; and the other not so?—Yes.

1120. With regard to the second class of primary sores, which I apprehend are not true syphilis in any way, do they not produce a great effect upon the efficiency of the army, if not checked?—A very considerable effect.

1121. Will you state to the Committee shortly what those effects would be?—They produce buboes, which are the cause of great inefficiency while they last, and if the sores be neglected, they get irritated, and sometimes they are apt to spread, and to cause great mutilation.

1122. Mutilation of the part?—Yes.

1123. It might extend, I suppose, to mortification?—It might extend to mortification.

1124. That is a disease of great danger, is it not?—Yes, it is dangerous; one can never tell how it will end; it leads to a great loss of time, and a very considerable loss of parts.

1125. Therefore I take it to be your opinion that primary sores of all kinds very materially lessen the efficiency of the army?—Undoubtedly.

1126. I will not go into any of the figures, but I understood you to say that for a great number of years you had been a surgeon in the army?—Yes.

1127. Is it your opinion that these Acts have been productive of great good in the army, in the lessening of this terrible disease?—Decidedly so.

1128. Is that the opinion of the vast majority of your fellow army surgeons who have seen the working of these Acts?—Yes.

1129. The great majority?—Yes.

1130. You have known some who have a different opinion, have you not?—I do not, at this moment, recollect one.

1131. You cannot recollect one, who is of a different opinion?—Not at this moment.

1132. Do you think there has ever been one?—I would not like to say there has not been.

1133. But you do not know one of your own knowledge?—No.

1134. Therefore I am warranted in the assumption, that generally, as to the branch of the medical profession in the army, they are of opinion that these Acts are most salutary—Strongly.

1135. And you are also of opinion that, since the Acts have been in operation, the cases of primary syphilis have very materially diminished?—Yes, they have greatly diminished.

1136. You stated in answer to my honourable friend on my right, that after 1873 you, to a certain extent, abandoned the statistics?—They were not reliable for the purposes of comparison.

1137. I will now take you down to 1873, when

Mr. Cavendish Bentinck—continued.

when you said there was a reduction of 78 per 1,000; first I will go from 1873 to 1878; do the returns you have received show that between the period of 1873 and 1878 there has been a diminution in the disease of primary syphilis?—Generally there was a reduction for the years 1874, 1875, and 1876; but in 1877 it showed symptoms of rising again.

1138. In your opinion, was that in consequence of the Reserves being called out?—That, no doubt, would have had an effect, but I fancy there was, besides that, the same general disposition to rise that I have commented upon in the previous part of my evidence.

1139. From 1873 to 1877, at all events, there was a diminution?—There was a diminution.

1140. And that diminution would appear whether you take the years singly, or group them together in any number of years?—If you group them altogether there is still a diminution.

1141. You say they are not reliable on account of Lord Cardwell's Order, but still they do show a diminution, do they not?—Yes.

1142. Why are they not reliable since Lord Cardwell's Order was passed?—Because the stopping of the pay of the men has induced a great many of them not to report themselves.

1143. You mean in the protected districts?—Everywhere.

1144. Does not that apply equally to the unprotected districts?—Certainly.

1145. Might not you fairly set off the protected districts against the unprotected districts?—Yes, the probability is that it affects both to nearly the same extent.

1146. Having made the set off, is it not your opinion that there is still a diminution in the disease down to 1878, in the protected districts?—Decidedly, as against the others.

1147. Of course, what applied to one district would apply to the other, would it not?—Yes.

1148. With regard to secondary symptoms or constitutional syphilis, you have already told me that secondary syphilis is always preceded by primary syphilis?—Yes.

1149. What proportion of primary venereal sores are followed by constitutional syphilis?—Apparently one in three.

1150. Are there any other causes for the slight diminution of secondary syphilis, besides the effect of Lord Cardwell's Order?—The actual primary disease has increased from 1873 to 1878, and there has been a slight increase in secondary syphilis, though we have not got the actual number of the primary cases to set off against them, so as to test them.

1151. Do you suppose that there is any considerable number of secondary cases which come under the cognisance of the hospitals, where the primary sores have been contracted outside the protected districts?—I fancy, looking at the ratio between the primary and the secondary, that there must have been a number of those.

1152. That would account, would it not, for some non-diminution?—Yes.

1153. Again, with regard to the number of soldiers who have been enlisted into the army of late years, do you apprehend that there are any considerable number of cases of secondaries where the primaries have been contracted elsewhere?—No doubt there would be some cases.

1154. And those would be two other causes, 0.116.

Mr. Cavendish Bentinck—continued.

in addition to the one I have already mentioned?—Yes, and those would be causes constantly in operation.

1155. Can you give me any particulars as to the immediate result of Lord Cardwell's circular, upon the army?—The immediate result was that it reduced the number admitted weekly into the hospitals, by between one-half and one-third.

1156. Was that shortly following the publication of that order?—That was the case the next week after it was put in force.

1157. Do I understand that, if a soldier comes to the hospital suffering under secondary syphilis, his pay is not stopped?—No.

1158. That disease is not supposed, from some cause which I cannot very well explain, to be a misconduct, is it?—That is not the reason, but the Order expressly says that it shall be confined to primary syphilis, to gonorrhœa, and to delirium tremens.

1159. Do you know the grounds upon which the Order was so framed?—No, I am not aware of that, but that is the Order.

1160. The cases of constitutional syphilis are not included in the Return showing the results of the Contagious Diseases Acts, are they?—No, they are not in this Return.

1161. Can you give a reason for that exclusion?—I am not aware of any: they could not show in this Return those under the Acts and not under the Acts, because the disease frequently occupies a considerable time between the primary disease and the appearance of the secondary disease; and a man may go from a station where he contracted the primary, to another station altogether, before the secondary is developed; so that it would be very difficult to give completely the secondaries due to stations under the Acts, separately from those not under the Acts; that is to say, a man might contract primary syphilis at a station under the Acts and get secondaries elsewhere, or he might get the disease in a station not under the Acts and develop the secondaries in a station under the Acts.

1162. Is it still your opinion, as a medical man, that constitutional syphilis has diminished since the passing of the Act?—Constitutional syphilis had distinctly diminished up to and including 1872; but after that we cannot test it with regard to primary cases; but if we take six yearly periods for it, we have this: from 1861 to 1866, there are 32.4 per 1,000; from 1867 to 1872, there are 25.6 per 1,000; and from 1873 to 1878, again, it was 25.6, which is exactly the same.

1163. Have you seen this printed circular or letter which has been sent to the Committee, and which purports to be signed by Dr. Charles Bell Taylor?—I have a copy of it here.

1164. Have you read the letter, and examined the statistics there given?—Yes.

1165. In your opinion are they correct or incorrect?—The statistics which I have examined in the first table particularly, are a little incorrect; the ratio for secondary syphilis in 1866, instead of being 23.39, is 24.8, as I make it; in the following year, 1867, instead of 26.26, as he has it, I make it 28.1; in the following year, instead of 30.39, I make it 31.6; in the following year, there is a slight difference, 26.3 he gives it, and I make it 26.2, which is nearly the same thing.

Mr. Lawson,

16 July
1879.

Mr. Lawson.

16 July
1879.

Mr. Cavendish Bentinck—continued.

thing. The others are correct, as far as I have examined them.

1166. With reference to the examination of women, you have not had much to do with that part of the profession, have you?—No.

1167. You have had no experience of that?—No, I have not.

1168. An opinion has been expressed, as I dare say you have heard, that if the Acts had not been passed, the disease would still have constantly diminished?—I have heard that.

1169. Have you any faith in that opinion?—It appears to me to be merely an assumption for which there is no foundation.

1170. Supposing there had been a steady diminution after the passing of the Acts, would not that diminution have appeared in the unprotected districts?—Yes, decidedly.

1171. And it would have been a true test, would it not?—Yes.

1172. What is the case with regard to the unprotected districts?—The case with regard to the unprotected districts is that the disease up to 1872, taking the six yearly periods, had not diminished at all; that is, from 1861 to 1866, the admissions for primary syphilis were 114·1; from 1867 to 1872 they were 113·5. So that on the average of the six years for these two periods, there is no change.

1173. Do you know what they are since?—From 1870 to 1873, the period I have already mentioned, they were down to 108, which gives a reduction from 113·5 of 5·5; but in the stations under the Acts the reduction was from 65·4, which was a very low rate before, to 52 for the same period.

1174. Then according to your view, if the Acts had never been passed, these venereal diseases would not have diminished?—They would have gone on fluctuating at a higher rate, as they have done at the stations not under the Acts.

1175. That is resting upon the facts which the unprotected districts show?—Yes.

Sir Henry Holland.

1176. With reference to the women coming from the unprotected districts into the protected districts, are you aware that during the working of the Act of 1864 the difficulty was that they did not come into the hospitals till they were in a very bad state?—Yes.

1177. Can you tell me whether the women who have since 1866 come in from the unprotected districts to the protected districts have delayed coming in until they were in a very bad state of health?—Most of them had, I understand, but I can only give that as hearsay.

1178. The failure of the Act of 1864 arose very much, did it not, in addition to the cause I have given, of women coming in in a very diseased state, from the want of power to keep the women in the hospital until they were cured?—So I understood.

1179. That has been remedied under the existing Act, has it not?—Yes.

1180. And are you of opinion that that is a very important element in the case?—Decidedly so.

1181. Have you sufficient experience to say whether, if that provision was maintained, but the compulsory examination of the women periodically done away with, that the women would come in, knowing that they would be detained in

Sir Henry Holland—continued.

the hospital till they were cured?—I fancy they would not, judging from what has been recorded before; but I have no immediate experience of that.

1182. You have not been down to one of the places, and actually seen the working of the Acts, have you?—I was at Aldershot from 1867 to 1872, as principal medical officer.

1183. Aldershot differs from other places, does it not, inasmuch as at Aldershot the soldiers form the great majority of the population?—The civilian population is nearly equal in number to the soldiers.

1184. However, the military population, as against the civil population, must be very different at Aldershot to what it is at Devonport or Plymouth, must it not?—Yes.

1185. In dealing with the tables, you said you would not object to take all the unprotected districts, and compare them with the protected districts, if you might take the unprotected districts from their commencement?—Certainly.

1186. Why did you put the limitation of taking them from the commencement with reference to the unprotected districts?—Because they differ a good deal from those which had been given in the prevalence of the disease, and if you took them for one period, you would reduce the prevalence of the disease, and compare the reduced prevalence against the higher prevalence of a more limited number at another period; the only way to avoid that is to take the whole from the commencement, then you get the change of the disease in one set of stations at one time, and compare it with the disease in the same stations at another time.

1187. I believe you said that in London there were very few cases of gonorrhoea, as compared with other stations?—Yes.

1188. Referring to the tables handed in by Sir William Muir, I find that the ratio per 1,000 in London was 151; and that it was only exceeded by Sheffield, Manchester, and Warley?—Yes; you are right.

1188.* On what do you ground your statement that London has comparatively very few cases of gonorrhoea?—Upon the previous returns which I have looked at, where you find that the ratio of primary syphilis is 250 as against 151 of gonorrhoea; but I can give you some of the actual numbers; this is a single year, and it may be that the number was high. Perhaps I did not quite explain myself: what I really meant was that the number of gonorrhoea cases in London was smaller in proportion to the syphilis than at other stations; but the actual effect of that for four years, from 1860 to 1863, including London, is to reduce the gonorrhoea to the stations not under the Acts from 129 to 112 per 1,000.

Mr. Ernest Noel.

1189. I want to ask just this question; in answer to the Judge Advocate General, you spoke about the disease being greatly diminished, and therefore I want fully to understand the figures you gave the honourable Member for Reading?—That is of primary sores.

1190. I understood you to say that in the two periods that you thought best to compare, the saving to the effective strength of the army was 64 per 1,000?—Within the periods from 1860 to 1863, and from 1870 to 1873.

1191. And

Mr. Ernest Noel—continued.

1191. And that you must allow 28 days for those men to be in hospital; and you must also allow another period of eight days for the secondary symptoms that would be developed in those men?—Yes.

1192. That makes a period of 36 days, does it not?—Yes.

1193. And it gives a ratio of $6\frac{1}{2}$ men per 1,000 as the saving per diem?—Yes.

1194. And on 50,000 men, that would be a saving of 325 men, would it not?—Yes, 325 men.

1195. Then I understand you to say that, taking your own figures, there were 24 men per 1,000 saved to the army through the effect of the Acts, as regards gonorrhœa?—Twenty-three men.

1196. And that you must give them 18 days?—Yes.

1197. Which gives about $1\frac{1}{2}$ per 1,000 as the ratio?—Yes.

1198. That on 50,000 men would be a saving of 62 men per day?—Yes, for pure gonorrhœa; and that is without the sequelæ of gonorrhœa; they have not been included.

1199. But they come back into the hospital for that, do not they?—Yes; but you have various forms of disease immediately, the result of it.

1200. That is not included?—No.

1201. With the exception of that, it would be 62 men?—Yes.

1202. Therefore the saving by the Acts on 50,000 men, would be 387 men per day, would it not; that is an approximate estimate?—Yes.

Sir Harcourt Johnstone.

1203. You spoke of its being a recorded fact, that before the Acts were introduced the women did not come into the hospitals to the extent they have since?—So I understand.

1204. Do you know that of your own knowledge?—I was abroad at the time that the Acts were introduced.

1205. Can you tell me about the examinations in the unsubjected districts; is there a constant examination by the surgeons under the orders of the colonels of the regiments in the districts not subjected to the Acts?—No; I believe that, generally speaking, these have not been carried out since Lord Herbert's Order on the subject.

1206. And does the same remark apply to the subjected districts?—Only when they come into the stations.

1207. And from the time when they come into the stations, are there constant examinations of the men?—No.

1208. Only at the time they come to the stations; that is all?—Yes.

1209. And therefore, from the time that they land at a subjected station, until they land again at a subjected station, there is no examination at all?—Not generally; if there was any great disease in the regiment the colonel might order an examination; but as a general rule, I understand it is not so.

1210. The Judge Advocate General spoke of the secondary disease not being the result of misconduct, and you seem to agree with that?—That is the order.

1211. Is it the result of an epidemic; true syphilis does not arise from accident, does it?—No.

O.116.

Sir Harcourt Johnstone—continued.

1212. Therefore it is in consequence of a man having had connection with a diseased woman?—That is the immediate cause of it, but a general influence seems to give it a degree of extension, as with small-pox; you would not catch small-pox unless you had communication in some way with a person labouring under it; but small-pox comes in immense epidemics, at times, and sometimes there is very little of it.

1213. Is the fact of a man having secondary symptoms considered to be an offence for which he ought to be punished, or is it only in cases of primary syphilis that he is punished?—The Order limits it distinctly to primary syphilis.

1214. Do you not think the method of comparison would have been fairer if there had been voluntary hospitals established to the same extent in the unsubjected districts as the compulsory hospitals which are provided in the subjected districts?—It would have introduced an element that might have reduced the amount of syphilis in the unsubjected districts.

1215. Can the conditions be compared where you have, on the one hand, in subjected districts, hospitals provided by the State, where cure can be effected, and, on the other hand, in subjected districts, no method provided by the local authorities, or otherwise, for the cure of disease; are the conditions the same in framing a statistical table?—The conditions are the same, because that is the part we wish to test the effect of.

1216. Supposing there were hospitals established in the districts not under the Act, would not the probability be that there would be less disease than at present?—No doubt, if you established hospitals, you would have less disease, if the people will go into them.

1217. Then your argument, that there is more disease in the unsubjected districts, may be founded upon the fact that there is not an opportunity of cure?—We have only to deal with the fact that the disease is there.

Mr. Shaw Lefevre.

1218. Can you give the ratio per 1,000 of primary syphilis in the unprotected districts, from 1860 to 1863, including London?—For four years, from 1860 to 1863, in the stations not under the Acts, and including London, the ratio was 122.

1219. How do you get the figure of 64 per 1,000, saving when you compare it with the protected districts?—From 1860 to 1863, as I have just mentioned, there were 122 admissions per 1,000; from 1870 to 1873 there were 108 per 1,000, giving a difference of 14; in the stations under the Acts, in the first period there is 130, and in the second period 52.

1220. In your answer to me, when I examined you recently, when you were speaking of a saving of 64 per 1,000 for primary venereal, you were speaking of a comparison between the years 1860 to 1863, with the years 1870 to 1873?—Yes.

1221. But if you take the six years with the six years, you only show a saving of 46 per 1,000, do you not?—The saving would be much less.

1222. It depends upon the basis of comparison, does it not?—Yes.

1223. If you take the four years, 1860 to 1863, and compare them with the four years, 1870 to 1873, you show, in primary syphilis, a reduction of 64 per 1,000, and in gonorrhœa about

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Mr. Lawson.

16 July
1879.

Mr. Lawson.

16 July
1879.

Mr. Shaw Lefevre—continued.

34 per 1,000; but if you take the six years from 1861 to 1866, inclusive, and the six years from 1867 to 1872, inclusive, you then get a saving of 46 per 1,000 for primary syphilis, and nine per 1,000 only for gonorrhœa; is that so?—That is so; and the reason for that is this, that in the one case you have the Acts in gradual process of introduction, and in the other case you have a comparison of the years before the Acts were introduced at all with the years after they were fully in operation.

1224. It depends upon which method of comparison you take whether the result works out 64 per 1,000 in one case and 46 per 1,000 in the other, and 34 per 1,000 in the one case and nine per 1,000 in the other?—Yes.

1225. But if you take the four years from 1860 to 1863, and from 1870 to 1873, it does not give you the rate of comparison down to the date when the principal Acts were introduced, does it?—Certainly not.

Mr. O'Shaughnessy.

1226. If you refer to Question 413, put to you by the Chairman, you will see that it runs in this way: "Do you know whether it was the practice to examine the men in either of these regiments comprised in this last list (a). In some regiments they took considerable trouble, as they thought, to secure a low sick-list; and strange as it may appear, I found nearly that those were the regiments that presented the highest sick ratios." How is it that you can discover a sick ratio not founded on, or analogous to, a sick-list; will you explain that?—This applies solely to venereal, and the ratios here alluded to are taken from the weekly returns sent in to me, showing the number of cases of venereal, and all other sickness; but the cases of venereal were separated to attain this point.

1227. Would it not appear that there would be men suffering from venereal, and returned to you as suffering from venereal, who are not on the sick-list?—No.

1228. How is it then that a low sick-list could be accompanied by a high ratio of venereal; is it the venereal would bear a high proportion to other diseases?—The venereal fluctuates, altogether without reference to the others.

1229. In that case, it bears a high proportion to the others?—This word "sick-list" was applied simply to the list of venereal; it was not intended to apply to the general sick-list.

1230. Then it is quite unexplained how you could find a regiment with a low rate of sickness, and a high rate of venereal disease?—They took, as they thought, considerable trouble to secure a low sick-list, but they did not happen to secure it.

1231. Then actually there was a high sick-list, though they made efforts to have a low one?—Yes, they made efforts to reduce it, but they failed to carry it out.

1232. The honourable Member for Scarborough asked you whether you thought that secondary syphilis was not the result of misconduct. I did not understand you to say that?—Secondary syphilis is clearly the result of primary syphilis.

1233. And therefore the result of misconduct?—Yes.

1234. As I understand you, you said that it was not brought into parity with primary

Mr. O'Shaughnessy—continued.

syphilis, under Lord Cardwell's Order?—It is expressly excluded.

1235. You have given the number of days lost under these two systems of protection and non-protection to the army; your case is, that a larger number of days is lost in hospital under the non-protection system than under the protection system?—Yes.

1236. But apart from that, as soon as the man has left hospital, and when he proceeds to discharge his duty, and continues to discharge it, will not there be a far greater efficiency in men who have been in protected districts than in a body of men who have been in unprotected districts, in consequence of the general greater effect upon the constitution of men who have been in unprotected districts, than those who have been in protected districts?—Yes, a smaller number would be affected.

1237. And it would sensibly affect their value in the field, and for hard work afterwards?—No doubt.

1238. You have given the results of gonorrhœa?—Yes.

1239. What are the results of gonorrhœa, briefly stated?—The more immediate result of gonorrhœa is a swelled testicle.

1240. What are the constitutional local results?—That is the most common local result.

1241. There is also, I believe, inflammation of the bladder?—Sometimes; that is not so frequent.

1242. In about what proportion of cases do these ulterior results, like inflammation of the bladder, follow?—They are not frequent amongst soldiers.

1243. Amongst cavalry soldiers?—Not even amongst cavalry soldiers; a swelled testicle is not infrequent, but the other is.

1244. Does gonorrhœa come under Lord Cardwell's Order?—Yes.

1245. The ulterior results are more likely to follow, I suppose, if the thing is neglected in the first instance?—Certainly.

Colonel Alexander.

1246. Stopping a man's pay for secondary syphilis would, in fact, be stopping it twice over for the same disease, would it not?—Certainly.

1247. Referring to the questions put to you by the Right honourable Gentleman in the chair, if the sore is followed by induration, you look upon it as positive evidence of the syphilitic character of the chancre?—Certainly.

1248. But the negative evidence, namely, the absence of induration of the chancre, would not lead you to the inference that the patient would not have secondaries, would it?—A certain number of cases are followed by secondaries.

1249. Is there a class of sores very destructive in their nature, but entirely without hardness?—Yes.

1250. Do soft sores, as a rule, heal as rapidly as hard ones?—Not quite so readily; they generally take a longer period.

1251. They are apt, are they not, to be attended by suppurating buboes and extensive ulceration?—Yes; by suppurating buboes and extensive ulceration.

1252. And that ulceration involves, does it not, great loss of substance?—Occasionally.

1253. Soft sores are more frequently followed, are

Colonel *Alexander*—continued.

are they not, by phagedena, than hard sores?—Yes.

1254. Will you state to the Committee what phagedena is?—It is merely the professional name for mortification. A sore takes on mortification, and spreads rapidly, and occasionally produces great mutilation.

1255. It may terminate in acute mortification?—Yes.

1256. Referring to a question put to you by the Right honourable Gentleman the Judge Advocate General, primary disease may be contracted in any part of the world, and six or even 12 months elapse before the appearance of the constitutional disease?—Yes, six months certainly may elapse, and in some cases 12 months.

1257. Will you let me direct your attention to Question 407, which was put to you on the last occasion by the Right honourable Gentleman in the Chair, and your answer to the question having reference to the great discrepancy in the state of health in the three different regiments at the same station, Aldershot; are you aware of anything in the circumstances of any of those regiments which may possibly account for the discrepancy?—In one of the regiments, that which had an admission rate of 124 primary sores, and a very large number, 235 per 1,000, of gonorrhœa, it was found that the men were in the habit of introducing women into their barracks, where they remained all night in the barrack-room.

1258. Whereas that custom did not obtain in any other regiment quartered in the barracks?—None of the others here mentioned were found out, I believe.

1259. And that circumstance would itself account, in your opinion, for the great difference in the amount of disease in the different regiments?—No; that fact, no doubt, did greatly lead to the large amount of disease they had.

1260. It is well known, is it not, that there are some regiments in the army where the men take special precautions against contraction of venereal disease?—Certainly; the men do take great precautions in that respect, and, so far as I have seen, they have always had a very low sick-list.

1261. Can you state what the nature of the precautions are?—They employ ablution immediately after having exposed themselves to any source of disease; they do not wait until returning to the barracks, but employ it immediately then and there.

1262. We have heard a good deal about facilities given for ablution in the different barracks; is it easy to enforce amongst soldiers the use of those facilities?—No, it is by no means easy.

1263. At present, if a soldier comes into barracks about midnight, more or less under the influence of liquor, he would not be very likely to take the trouble to wash after connection with a woman?—No, and it would be too late to do so with efficacy.

1264. I believe the old soldiers, to whom you allude, use, do they not, a sponge immediately after connection?—I have heard of some so doing.

1265. Are you not therefore disposed to say that the discrepancy in the state of health in the different regiments stationed at the same place, is no proof of the inefficacy of the Contagious

0.116.

Colonel *Alexander*—continued.

Diseases Act?—We have evidence at Aldershot how very beneficial it has been.

1266. It has been suggested that the diminution of disease since 1873 is due rather to Lord Cardwell's Order than to the Contagious Diseases Act; do not the returns show that during that period, 1874 to 1878, the diminution was greater in the protected than in the unprotected districts. I will take you through the same years; do not the returns from 1874 to 1878 inclusive, show a greater ratio of diminution of primary sores in the protected than in the unprotected districts?—They continued much lower in the protected districts than in the unprotected districts.

1267. Therefore, although Lord Cardwell's Order has shaken the trustworthy character of the returns since 1873, owing to the concealment of the disease, produced by the issue of that Order, still as that Order was in operation equally in the protected and the unprotected districts, the returns are still of value, are they not, as showing the difference of disease over a period of five years in the protected and in the unprotected districts?—Decidedly, so.

1268. Do not those returns, in fact, show that during the last five years, 1874 to 1878, the primary venereal sores have been more than twice as many in the unprotected as in the protected districts?—Yes.

1269. As the honourable Member for Reading said that we are getting a little confused in our figures, I should like to clear up that confusion by taking you through the returns of primary venereal sores for the last five years, that is, since the issue of Lord Cardwell's Order, in the protected and unprotected districts respectively; is it not the case that in 1874 we had in the protected districts of primary venereal sores 42 per 1,000?—Yes.

1270. Whereas in the unprotected districts for that year, we had the figure of 88?—Yes.

1271. Now as to 1875, we had in the protected districts 35 per 1,000?—Yes, that is so.

1272. And in the unprotected districts, for the same year, 1875, we had 79 per 1,000?—Yes.

1273. Now go to the year 1876, in the protected districts, we had 33 per 1,000?—Yes.

1274. And in the unprotected districts 82 per 1,000?—Yes, that is so.

1275. Now let me take you to 1877, in the protected districts we had 35 per 1,000?—Yes, that is so.

1276. And in the unprotected districts, 91 per 1,000?—Yes.

1277. In 1878, in the protected districts, we had 40 per 1,000?—Yes.

1278. And in the unprotected districts, 131 per 1,000?—Yes, that is so.

1279. The total for the five years in the protected districts would be 185 per 1,000, would it not?—Yes.

1280. Which would give for the five years, for the districts under the Acts, the figure of 37 per 1,000?—Thirty-seven per 1,000, that is the mean of the ratios.

1281. For the districts under the Acts, the total for the same number of years, that is, 1874 to 1878, is 471, is it not?—Yes.

1282. Which will give you a mean ratio for the five years, for the districts not under the Acts, of 94 per 1,000?—Yes.

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1283. So

Mr. *Lawson*.

16 July
1879.

Mr. Lawson.19 July
1879.**Colonel Alexander—continued.**

1283. So that the difference for the five years of the districts under the Acts, and those not under the Acts, is as 37 to 94?—That is so.

1284. With reference to gonorrhœa for the same period; for the districts under the Acts, we have 62 per 1,000 for the year 1874?—Yes.

1285. And in the same year, for the districts not under the Acts, 77 per 1,000?—That is so.

1286. In 1875, for the districts under the Acts, 58 per 1,000?—Yes.

1287. And in the same year, for districts not under the Acts, 72 per 1,000?—Yes.

1288. In 1876, for districts under the Acts, 68 per 1,000?—Yes.

1289. And for districts not under the Acts, 89 per 1,000?—Yes.

1290. In 1877, for the districts under the Acts 68 per 1,000?—Yes.

1291. And for districts not under the Acts, 117 per 1,000?—Yes.

1292. In 1878, in the districts under the Acts, 78 per 1,000?—Yes.

1293. And for districts not under the Acts, 121 per 1,000?—Yes, that is so.

1294. Now the total for those five years, for districts under the Acts, would be 334, would it not?—Yes.

1295. Giving a mean ratio of 66·8?—Yes.

1296. The total for the five years of the districts not under the Acts is, I think, 476?—Yes.

1297. Giving a mean ratio of 97?—Yes.

1298. Would you not say that the great increase of venereal disease in 1878, shown by the returns, is attributable to a great extent to calling out the Reserves?—It is attributable to that to some extent, no doubt; but we must put down a great deal of it to what we have foreshadowed here in 1877, the commencing increase; the same as we find in the returns previously.

Mr. Shaw Lefevre.

1299. The strength of the Reserves does not appear to be added to the average annual strength?—It is included in the annual strength given you for the time they are present at the stations.

1300. Would you lay before the Committee a Table similar to Sir William Muir's, corrected for London?—Certainly.

Mr. Cavendish Bentinck.

1301. I should like to ask one medical question of some interest; is it not a medical fact that young men are much more likely to take gonorrhœa than middle aged and elderly men?—Yes; they are generally considered to be more sensitive to the poison, and more likely to catch it.

1302. Therefore, if the regiment were com-

Mr. Cavendish Bentinck—continued.

posed of young soldiers, would it be more likely to have cases of gonorrhœa than regiments composed of older men?—To a certain extent, they would be.

Mr. Tremayne.

1303. The honourable Member for Scarborough asked you some questions about the effect which the establishment of hospitals in unprotected districts, for the voluntary admission of patients, would produce upon the disease; those hospitals would of course be worthless unless they had the power of compulsory detention of the women until such time as they were unable to propagate disease, until their cure was so far advanced?—They would have much less effect under those circumstances, unless some such restriction were in existence. I would not say that they are altogether worthless, but the good effect would be much less.

1304. Was the period of three months, which the Act of 1864 empowered women to be detained, a sufficient time to effect cures?—I understand that it was found to be too short a time to perfect a cure in some of the very bad cases that they had; but that will be better spoken to by a gentleman who has had immediate charge of women.

1305. Would the establishment of such hospitals in unprotected districts, for the treatment of persons who voluntarily come to them, in any way affect the operation of these Contagious Diseases Acts in the unprotected districts as applied at present?—No; it would not affect those in the protected districts.

1306. Would they be auxiliaries to the present Acts?—They would to the extent to which they diminish the amount of venereal disease prevailing amongst those populations.

Mr. Shaw Lefevre.

1307. Do you know when the Act of 1864 actually came into operation?—I cannot give the exact date.

1308. Was it before 1865?—It was in 1864, some time.

Sir Harcourt Johnstone.

1309. Can you ascertain whether it is possible to put in this return the number of Reserves present at the protected and unprotected stations?—It might be done through the Adjutant General; but I do not suppose that anybody else has got the data, they have only the absolute numbers present.

1310. The same authority which has provided Sir William Muir with the number of men present in 1877 and 1878, would equally give that?—He gets these numbers from medical returns that are sent up to him, but those medical returns would give the total number of men, without specifying the reserves.

Mr. JOHN COLEMAN BARR, M.D., called in; and Examined.**Chairman.****Mr. Barr,**
M.D.

1311. You are Medical Officer of the Lock Hospital at Aldershot, are you not?—I am.

1312. And visiting surgeon of that hospital?—Yes, I fill those offices.

1313. How long have you been acting in that capacity?—Upwards of 11 years. I commenced my duties there from the London Lock Hospital on the 1st of May 1868.

Chairman—continued.

1314. You commenced duty at Aldershot Hospital in May 1868?—Yes.

1315. And you had previously been engaged in the same walk in the profession at the Lock Hospital at Paddington?—I had been resident medical officer to the London Lock Hospital at Paddington, and it was while there that I made the acquaintance of the late Mr. Veasey and
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Chairman—continued.

some other War Office officials, who were taking some interest in watching the process of the Act; and it was at their suggestion that I applied for my present appointment.

1316. Did you organise the Lock Hospital at Aldershot?—No. The Acts were first applied to Aldershot in April 1867, that is to say, they were partially applied there; there was a hospital in course of construction, but it was not opened until the end of June; from April to that time diseased women were sent to the London Lock Hospital, that is to the extent of 20 beds; 20 beds were paid for by the Government for the relief of Aldershot.

1317. That is to say, the diseased prostitutes at Aldershot were sent to the Lock Hospital at Paddington?—Yes, to the extent of 20 beds.

1318. What accommodation was there in the Lock Hospital at Aldershot when you took charge of it?—When I took charge of it there were 50 beds; they were inadequate to the number of patients who were ill, and the number of beds was still less in the London Lock Hospital.

1319. Was the accommodation at Aldershot gradually extended?—It was extended necessarily, and I think in May the following year the hospital was enlarged; up to that time, of course, the overplus of those who could not be received into the Aldershot Lock Hospital were still sent to the London Lock Hospital; but in the early part of May 1869 the new wards of the Aldershot Lock Hospital were opened, and we have now 100 beds.

1320. In May 1869 the arrangements for the reception of these women at Aldershot were complete?—Yes.

1321. And then you ceased to send any of them to London?—We ceased sending them to London; at the same time, I may say that a few years later, in 1875, a bad case of small-pox occurring in the hospital, we sent 29 at that time to London; I could not, under the circumstances, admit any fresh cases in the Aldershot Hospital.

1322. In what condition were those women when they were received into the hospital at Aldershot?—They were in a very miserable and dirty condition; but I can speak of them more as I received them in 1867, in the London Lock Hospital.

1323. That is to say, women that you receive from Aldershot?—Yes. As I have said, before I went there I was resident medical officer in the London Lock Hospital.

1324. We will take it back to the year when the hospital was first instituted in Aldershot; what condition were those women in?—They were in the most miserable condition, bodily and mentally. As far as their appearance went they were in a most filthy and uncleanly state, their clothing was insufficient and ragged, while their language was interspersed with the most offensive expressions, and their behaviour was defiant and unruly.

1324*. Were they women of the lowest class?—They were of the lowest class.

1325. What was their state as regards disease?—The greater number sent in the first instance were suffering from disease in a very severe form, and some of them had suffered from it for a very long time; in fact every woman was in a position to communicate disease to any one having intercourse with her, and must have been the

0.116.

Chairman—continued.

source of great pain and discomfort to themselves; in fact many were dangerous cases. Those that were really not bad forms of secondary disease, were very severe instances of primary ulceration, threatening, of course, future constitutional disease, or destructive local effects.

1326. In the year 1867 they were sent to hospital under the Act of 1866?—Yes.

1327. So that you were empowered to detain them until cured?—We had power to detain them for six months.

1328. Were those women mostly discharged cured?—I am hardly in a position to speak as to the whole of them. I think that a number of them were not discharged cured, inasmuch as on my going to Aldershot I received them in some active form of secondaries, re-opening of old ulcers, and so on.

1329. The same patients who had been discharged at the Lock Hospital in London were subsequently received by you at the hospital at Aldershot?—Yes, suffering from relapses of the disease, and of course fresh infections, but a large proportion were suffering from relapses of the disease. As I stated, and as other medical officers stated to the late Committee before the House of Commons, three months was not an adequate period for the treatment of such cases as we met with then.

1330. Under the Act of 1866, you could detain a woman for six months?—Yes.

1331. Were you at Aldershot before the Act of 1866?—I was at Aldershot under the Act of 1866. The new Act did not come into force till 1869.

Mr. Shaw Lefevre.

1332. Were you there under the Act of 1864?—No; it was not applied to Aldershot. The only Acts applying to Aldershot are those of 1866 and 1869; they were partially applied in April 1867.

Chairman.

1333. Your experience is derived from the Act of 1866?—From the Acts of 1866 and 1869.

1334. You have described the state in which the women were when they were received into the hospital; did any improvement in their conduct and demeanour take place?—A very striking improvement took place in nearly the whole of them in a short time after they had been brought under the influence of the hospital officials, they less frequently used bad language, and became more cleanly, and showed a greater sense of decency than they had ever shown before. Some of them listened to the good advice that was given them, and went into the very excellent asylum attached to the London Lock Hospital; and I have good reason to believe that they gave up prostitution. I say that, inasmuch as I did not meet with them when I took office at Aldershot.

1335. At first, some of those women were so refractory, were they not, that they were obliged to be handed over to the civil power at Aldershot?—Yes. When I joined duty there in May 1868, I wished to make myself acquainted with the exact state of affairs; and the matron, the late Mrs. Williams, who went to Shorncliffe Hospital in a similar capacity, gave me a very vivid description of the difficulties that she and the other officials of the hospital had met with. They were most re-

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Mr. Barr,
M.D.
16 July
1879.

Mr. Barr,
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16 July
1879.

Chairman—continued.

fractory at first; their language was something terrible; they broke windows, and broke out of hospital, and really conducted themselves in a semi-savage manner. I found that in the course of nine or ten months 18 of them had been prosecuted and sentenced to the county gaol for various terms of imprisonment, so that a large number of them at that time had not been brought much under the influence of the chaplain, and the matron, and the medical officers.

1336. Even amongst those who were the best conducted, did you observe an impatience of the restraint to which they were subjected?—Decidedly; these women are exposed to external, and often most pernicious, influences, letters, for instance, are allowed to be given in all these hospitals; of course I do not say that it is right that persons confined to any place against their will should have their correspondence stopped; but out-door correspondence does make them impatient; and I believe that most of the few cases that I have met with since those 18 that I have told you of have been exhibitions of temper, excited by the contents of the letters that they have received.

1337. During your experience were the cases numerous in which the women would have gone away if they had not been under restraint, and been compelled to remain?—Yes, I believe that by far the majority; 99 out of 100 of those who were what you may call robust or strong women, who were not suffering from pain, would have left the hospital when they thought themselves cured; those who would have stayed behind would have been some good-intentioned women whom you could have persuaded to do so, or some poverty-stricken women who did not know what to do when they got out; but, as to the strong healthy prostitutes, every one would have left when they thought themselves well, or even before.

1338. That is that they would have gone away before they were cured, careless of the consequences?—Yes, decidedly so. I have known cases where women have come, and almost on their knees begged for admission into the hospital, to get relief from the sad disease they laboured under; and I have known also cases where women have come from other places, and have been dreadfully affected; but as soon as the sores have got healed, or barely healed, and the pain gone, they have cried to be let go; or they would have broken out if they had had a chance.

1339. Have you the official register of the admission of women to the Aldershot Lock Hospital?—I made an extract from the register.

1340. I want to know the number of women admitted up to the date of your taking charge?—I find, on examination of the official register, that up to the date of my commencing duty, 456 patients had been detained for treatment.

1341. What period did that cover?—From the 28th of June 1867 to the 1st of May 1868.

1342. Less than a year?—Yes.

1343. In less than a year before you took charge, 456 women had been admitted to the Aldershot Hospital?—Yes; in addition to that, I may say that within a few months afterwards, 285 were sent to the London Hospital.

1344. In addition to that?—Yes, and 29 at a later period, when an unfortunate outbreak of smallpox in Aldershot occurred.

1345. You took charge in 1868?—In May 1868.

Chairman—continued.

1346. Have you the figures of the aggregate number from May 1868, until this date?—To the present date. I looked at the register last evening, and find that the total number having received treatment in the Lock Hospital at Aldershot, is 7,836, of those, 7,186 were from Aldershot, that is detained by the late Mr. Parry and myself; 210 from Windsor, and 441 from Winchester. That leads me on to state that in the following years, as we had so many beds more than we required, the Acts being applied to Winchester and Windsor, patients were sent to Aldershot Hospital for treatment, so that to the present period those numbers mentioned have been received from those places.

1347. Can you state of this large number of 7,800 women, that many of them were re-admissions of the same women?—Yes, of course a large number are re-admissions; when they leave the hospital, it remains with themselves whether we have anything more to do with them or no; they leave the hospital, and they can leave the district; or leave prostitution, in fact do as they choose; those who do not go into homes, or go to their friends, mostly return to prostitution, and being exposed to the same influence, they soon come into hospital again; they come back again with relapses or fresh infections.

1348. Do many of these women who are discharged cured, resume their calling as prostitutes, and become subject to periodical examination?—The majority do.

1349. Do you superintend the fortnightly examination?—I conduct it myself, in the presence of the nurse appointed for the purpose.

1350. Are there many strangers that come under examination?—Every year brings numerous additions to the police register from other places; there are always many strangers; in some years, regiments from various districts bring more than others; in some years the number of strangers is not nearly so great.

1351. Are certain regiments followed by their own women?—Certain regiments are; not so frequently as they used to be, in fact, I am sure not so much; in the early years of the application of the Acts every regiment brought some of its favourites with it, now they do not come in such large numbers; it is very possible that the women knew they would be subjected to the Acts, and for this and some other reasons they did not come.

1352. When a new regiment marches into Aldershot from a protected or unprotected district, are the women followed by the police?—The police, of course, have to make sure that any woman they suspect is really acting as a prostitute; when they have thoroughly assured themselves that such is the case, they give the woman notice that they have observed her conduct, and that in consequence of it, she has subjected herself to the Contagious Diseases Act; and she is told that if she remains in the district, conducting herself as a prostitute, she must attend at the periodical examination at the appointed place at a certain time; she is also told that there are two ways of doing it; she lays herself open by her conduct to be brought before a magistrate to order this examination, or if she admits the position she has placed herself in, she may voluntarily submit herself to it. I do not think that I have met with a case that has not been a case of voluntary submission out of all this number.

Of

Chairman—continued.

Of all the numbers that have been before me for examination, I have not met a single case that was not a voluntary submission, and on very many occasions, a very eager submission, in order to get into the hospital.

1353. In the year 1868, when your experience of Aldershot, and of the operation of these Acts commenced, can you state approximately the number of prostitutes who were plying their trade at Aldershot?—I think there were about 300 at that time; I speak, of course, within bounds in that statement; I am compelled, of course, to consult the opinions of the police with reference to such statistics; but if I were to trust to information received from people, many of them well informed, and well calculated to give a true answer, I should put it down at a larger number still; but that number of 300 I am able to prove.

1354. Of course I do not ask you for accuracy in a question of this sort; but that is your estimate according to the best information you have received?—Yes.

1355. What were the habits and haunts of these women?—There were a few of them who appeared to have decent lodgings, but very few of them; the greater number of them lived in the vilest brothels; a large number existed in the large drains under the roads; and numbers of them scooped out holes in the sand on the commons; a number of them made temporary huts under the hedges of what they could lay hold of; while a number were concealed in the stables, and men's own dormitories. Some years ago, before the South Western Station had reached Aldershot as its terminus, we were compelled to go to Farnborough for railway accommodation. I have seen myself, when I have gone by an early train, women creeping out of the drains on the one side, and out of soldiers' huts on the other; the colonel of a foot regiment in one of the lines near the high road came to consult me about the prevalence of venereal; he said he was perfectly aware that women were concealed by soldiers, and I was forced to tell him that in his own lines I had seen them creeping out in the manner narrated.

1356. You have stated that according to your estimate, there were about 300 prostitutes, or more, plying their trade in 1868?—There were.

1357. How many of those cases came under treatment in the Lock Hospital?—I do not think that I can give an exact table of that; I have just had a copy of the police report put into my hand, but it does not answer that question. I can merely tell you the number who were found diseased.

1358. What I want to know is this: you stated that these women were in a condition of most abject poverty?—Yes.

1359. I want to know of these 300 women, how many, or about how many, were sent to the Lock Hospital in London, which we understand was then the receptacle for these women; and how many passed under your treatment; what proportion of the 300?—The result of the examination of 1868 was, that there were 832 women found diseased, and retained in the Aldershot Hospital, or sent to London. I can give the exact table if you like, but I feel sure that at least six-eighths of that 300 were in hospital during the year. I must remind you that at the time these women were so exposed to the disease, we were endeavouring to get information, and

0.116.

Chairman—continued.

re-admissions were frequent, especially with a certain class, some who took no care of themselves in ordinary cleanliness, young girls and others; that applies to the present day too.

1360. Of the women who came under your treatment in the early years of your experience at Aldershot, were they mostly young girls, or were they older women?—They were mostly older women: there were many young girls when I first commenced duty there; they have gradually decreased; I do not think at this moment that there is a single girl under 17 at Aldershot, and of that age they cannot be numbered to any extent. There are very few women under 20, or under 19, I should say.

1361. At present, you say that the prostitutes at Aldershot are not under 19 years of age?—There are very few, indeed, under 19 years.

1362. Does that observation apply to your early experience of Aldershot?—Not at all. In those days it was no uncommon thing to have children under 15 years of age; in fact, on one occasion, I had a child of 15, her mother, a woman not much more than double her age, and her grandmother, all in, suffering from syphilis; that was the result of periodical examinations; and I have had upon another occasion, both mother and daughter in. I have, on several occasions, had two or three sisters in from one family. If I may be allowed to explain that, I have a note or two here to refresh my memory. In the town and villages adjacent, a very low morality existed at that time among certain classes; and the extensive clandestine prostitution was the subject of frequent remark. A class of loose, objectionable people, from various places, were attracted to the neighbourhood on the formation of the camp, adding to the bad odour surrounding it. Many had been guilty of offences against the law, and been sentenced to terms of imprisonment; and the children of these people, as soon as they were able to crawl, were sent into the camp begging; the boys often turning out thieves, and the girls prostitutes. Now it was from that class of people that we used to get two or three generations, as it were.

1363. At what time did the fortnightly examinations of the public women take place; when were they instituted at Aldershot?—The periodical examinations were instituted in April 1867; women were examined at intervals, according to the number of beds empty in the London Lock Hospital; early in 1868 the periodical examinations became more regular, and fortnightly by rule; but I found that for several years, they were very inadequate to detect the disease in women, especially until they got more cleanly, and into better lodgings, when there might be an opportunity of cleaning themselves; but now, and for some time, the examination is once a fortnight, as a rule.

1364. What is the effect of the fortnightly examination upon the women as regards their conduct?—The effect is an effect by contrast. In the first place, they came up in the most miserable and filthy condition. They came up sometimes hanging back, sometimes swaggering, and often making use of very bad language; their appearance was really disgusting; people could not pass them in the road without repugnance. In fact, their behaviour was so bad that I received a letter from the late Sir James Scarlett, in command of the cavalry brigade, in

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Mr. Barr,
N.D.
16 July
1873.

Mr. Barr,

M.D.

16 July
1879.*Chairman—continued.*

1868, asking whether I could not have a special building erected for examining these women, as their conduct was so disgraceful in the road that ladies and decent people could not pass. That was the state in which they were then. I was compelled to bring the matter before the War Office, and a building was erected in a more quiet place; but all this bad, rude conduct, is altered, and the women come up quietly, decently, and cleanly for examination. I very rarely hear a bad word. I was once asked whether I did not think these periodical examinations did away with any trace of modesty that may be left; I think that it rouses up any that may be left, because they make an earnest attempt at cleanliness and respectability, and are, in fact, as different from their former appearance as is night from day.

1365. When the fortnightly examinations were first instituted, what was the condition of the women as regards disease?—A large number were suffering from disease in very severe forms; many of them were suffering from what is called soft sores, which is really a process of ulceration, more or less painful; and, when neglected, becomes a very serious matter indeed for the safety of the patient. I have seen women under the influence of the spreading of this sore have their whole groin and upper part of the thigh laid bare. I once remained with a woman all night, fearing that every moment a large vessel would give way, under the rapid destructive process, and she would expire from hæmorrhage. I have found, again, women suffering from gonorrhœa of the most irritating character; women suffering also from constitutional syphilis and local ulcerations connected with it of a very virulent character, in fact, in a state the most serious and grave that I can mention. Another attendant evil was, that 90 out of 100 were suffering from itch, and other unpleasant complications; and in almost every case we were compelled not only to put them into a bath, but for hours employ a nurse to search their head for vermin; and when they came in, before we could use the proper remedies for the disease for which they were admitted, we had to get rid of myriads of parasites that would have swarmed the place if we had not to get rid of them first; so that we had to get rid of the dirt and accompaniments before we could get rid of the disease.

1366. Keeping you still to the early days of experience of the Acts, what proportion of the women, who underwent examination, were in a state of venereal disease?—In the early application of the Act, taking 300 as the number of individual women, six-eighths were during the year diseased and admitted to hospital.

1367. Did that proportion continue in subsequent years?—That proportion did continue; and I cannot say but what a large proportion does continue. I should say that it does continue, because a great many factors which are continually recruiting my hospital exist now as they did earlier; one factor is the importation of strange women, who are diseased, or exposing themselves to influences causing their admission.

1368. The state of disease of these women being practically the same, what is their condition in other respects, in the details that you have referred to, their conditions of squalor?—There is an entire change in that. It does occasionally occur that women suffering from those

Chairman—continued.

complaints are brought in; that is, that the parasites on the skin or the head may present themselves, but it is not so severe, and therefore less disgusting; and another point is that now, as a rule, I often know beforehand who is suffering from it; they have such a horror of being discovered in such a state, most of them, that they will tell me of it; and occasionally the women go to druggists and purchase the usual remedies for getting rid of parasites.

1369. Supposing that out of 100 women that you examine, 60 or 70 of them are detained and sent to hospital diseased, are you able to say whether the places of those women are supplied by an influx of fresh women?—There is an influx of fresh women, decidedly, but not in the same proportion as there used to be; and I must say now, as I have said before, and have been hotly abused for it, that one reason for the want of greater success of the Act has been the small number of women, comparatively, to the large number of troops; at the end of last year there were only 128 women on the police register; we will take it that out of that number, 35 women were in the Lock Hospital; we will take it also that five were in prison, that is for some offence in the streets; I give as near as I can the number. We will say also that 10 or a dozen, were unfit for prostitution; that is they might be either suffering from illnesses in their own places under the parish doctor, or something else; take that number out of the 128, and the remainder are supposed to furnish themselves to 12,000 or 13,000 soldiers, as the case may be. Now, of course, I must be understood as not saying that there are not enough women, because my object in having anything at all to do with the laws under examination is equally eradication of the disease and the diminution of prostitution to the lowest minimum that is possible; I merely speak of it in its sanitary light; that it is so, cannot be disproved.

1370. Are there any particular difficulties that you have to encounter, acting under these laws, any hindrances in the way of carrying out the law?—I have enumerated some of them here, and with your permission will read them.

1371. You have considered this subject?—Yes, I have paid great consideration to this subject.

1372. And you are prepared to give a deliberate answer?—Yes. My answer to what you have said as to the hindrances to the applications of the Acts are these; I discovered many apparently insuperable hindrances to the success so earnestly desired, the chief were: first, the too limited area of operation; the second is the constant movement in the camp, which is the great military drill school of the kingdom; the third is the importation of disease from unprotected stations, by soldiers, and civilians, men and women; the next, the frequent concealment of disease for a longer or shorter period by the soldier, and sometimes, when practicable, by the women; next the prevalence of clandestine prostitution in the neighbourhood, and the difficulty of suppressing, controlling, or checking it.

1373. As to clandestine prostitution, do you consider that the effect of these Acts has been to increase clandestine prostitution?—No, I am perfectly sure that in the neighbourhood which I am connected with, clandestine prostitution is less practised. My reason for saying so is this, that formerly respectable people, who watched the neighbourhood,

Chairman—continued.

neighbourhood, could give you the names of people who were practising clandestine prostitution; and another point is, so I am informed, there are fewer illegitimate children, and, in fact, I was told by people, whose opinions are worth considering, that clandestine prostitution is not nearly so rife.

1374. Will you resume the enumeration of the causes which you consider have obstructed the prosecution of the Act?—Another hindrance, now happily reduced, is the prevalence of disease in women formerly of loose character, but now married, or passing for married women.

1375. With regard to the last cause, you speak of other women connected with regiments; if there were women pursuing a life of prostitution with the regiments which come in, would not they immediately come under the surveillance of the police?—Most decidedly so; I speak of women formerly unfortunates, now either married, or passing as married people, who you cannot very well interfere with.

1376. They would not come under the scope of the Act?—No, their amorous transactions are carried on secretly.

1377. What is the next cause of hindrance?—The presence of tramps, and occasionally loose women of similar appearance, in the camps. Then the abolition of examination of the troops for venereal. Next the visits for short periods of prostitutes and gay women from London, Reading, Guildford, and other unsubjected places. Then the presence in the camp of a number of women during the drill of the militia. The want of careful examination of the soldiers for enthetic disease. All these formidable obstacles to the eradication of the disease, and the other good intentions of the Act, still exist, but some less prominently than 10 years ago; clandestine prostitution is less practised, and there are fewer tramps found in the camps, and the disease amongst women is less frequently concealed.

1378. Your last answer suggests a very important question. You state that amongst the causes for the ineffectual administration of these Acts is the want of careful examination of the soldiers; we have it in evidence that in consequence of Lord Cardwell's warrant, stopping the pay of soldiers suffering from certain stages of venereal disease, those men have failed to report themselves when they have become affected?—There is no doubt that on the first application of that order of Lord Cardwell, the number reporting themselves fell off. I have a most striking illustration of that; I will refer you to the year 1873 in the Army Medical Report, which is the very year that it was put into operation. In 1873 you will find that the statistics for admissions for primary venereal sores, in the military hospitals at Aldershot, had jumped up to 72 per thousand. I explained before the reason for such an occurrence in this way, that a large number of regiments, from unprotected places, come into the neighbourhood, and a great deal of disease was found in them. You may examine a regiment when it first comes in, but it will be a long time before you detect all the cases of disease. We know that, because they are repeatedly coming in ill during the first few months. There were a number of diseased women came into the district during the first three quarters of that year 1873; and the annual admissions got up so high that I was almost off my head in the two

0.116.

Chairman—continued.

quarters preceding the last; that is to say, during the June quarter and the September quarter primary sores had reached 90 and 91 per thousand.

Mr. Shaw Lefevre.

1379. What table are you referring to?—I am explaining the condition of the camp, with reference to the annual ratio of admissions for primary sores in the two previous quarters, that is, the June quarter and the September quarter, or the summer and autumn quarters of 1873. The question put to me by the Right honourable Chairman was this: Is it your experience that Lord Cardwell's Act, stopping the pay of the soldiers, caused them to conceal disease? I was giving you an instance of that with regard to the admissions in one year; at any rate I can positively state that in the winter quarter of 1873, when that Order was put in force, there was an exceedingly sudden and remarkable reduction in the number of admissions for primary sores.

Mr. O'Shaughnessy.

1380. Are you referring to the admissions of women or men?—Admissions of men.

Mr. Cavendish Bentinck.

1381. Is that the first quarter of 1874 that you are alluding to now?—No; the last quarter of 1873 and the first quarter of 1874, during which there was an important diminution in the number of admissions.

Chairman.

1382. We have it in evidence that Lord Cardwell's Order has had the effect of deterring the men from reporting themselves when they are affected with disease, on account of the stoppage of their pay; you have already stated that one of the difficulties that existed in the due administration of the Acts is, that there are no means of examining the soldiers?—Yes.

1383. I wish to ask you, referring to the effect which Lord Cardwell's Order has had, are you of opinion that to ensure the complete efficiency of these Acts, it is necessary that there should be a periodical examination of the soldiers as well as of the women with whom they consort?—In the interest of the eradication of the disease, I do believe it necessary.

1384. Does that complete the enumeration of the causes which you think obstruct the operation of the Act?—I think it comprises the greater part of them decidedly; those that are the best known hindrances; of course, the great drawback is the too limited area of operation.

1385. How many women are there upon the register now?—At the end of June there were 145 on the register.

1386. As compared with 300, when you first took charge of the district?—As compared with 300, when I first took charge of the district.

1387. Is the strength of the garrison nearly the same?—The strength of the garrison just now is, in consequence of the troops going to Natal, and other places, less than it usually is. I must add, that one other hindrance is the importation of such bodies of men as the Reserves of last year; in consequence of their presence, there was a rise in the ratio of admissions.

1388. How many attendances of the public women, for the purpose of examination, took place in the year 1876?—Three thousand and eighty-

Mr. Barr,
M.D.
16 July
1879.

Mr. Barr,
M.D.
—
16 July
1879.

Chairman—continued.

eighty-nine; and in 1870 there were 6,961; so that they are very much diminished.

1389. In 1870, how many attendances were there?—In 1870 the number of attendances were 6,961, and last year they had dropped down to 3,351.

1390. Then from 6,961 in 1870, they had fallen to 3,351 in 1878?—They had.

1391. What, in your opinion, is the cause of that diminution?—There are two causes for it: first, the actual diminution in the number of the individual women; and, secondly, less need for more frequent examination.

1392. Can you give me the figures of the diminution of women upon the register in the year 1870; how many women were there upon the register?—In 1870, I think you will see 608 names on the register during the year; and the number of women on the register at the end of 1876, and put on to that year, was 319.

1393. What was the number in 1878?—Combined together, 296.

1394. In your 10 years as visiting surgeon of the Lock Hospital at Aldershot, have you traced what number of those women have disappeared from the periodical examinations?—With regard to their disposal or destination when they leave the hospital, taking it from the earliest time, I find that 28 went out for prescribed reasons, with a certificate as being uncured; that applies to women who were in an advanced state of pregnancy; who had to go to the lying-in room, or some who were found to be incurable, in the true sense of the world; or that they could not be cured within the time allotted by the Acts of Parliament. When they were discharged, a certificate was given to them that they were suffering still from disease; 255 have been relieved from the control of the Acts, having ceased prostitution, and proved sufficient cause for the removal of their names from the register; they are liberated under the certificate "V." The reason of their being relieved is, that in some cases they go to live singly with a man, and we have nothing to do with a woman who keeps herself to one man. Some get married and some go into service. If they give a reasonable proof of their ceasing prostitution, we are only too glad to relieve them; 430 have been placed in excellent reformatories, the results being, as a whole, very satisfactory.

1395. Do those figures cover the whole period of 10 or 11 years that you have been there?—Yes, since I have been in charge, 473 have been restored to their friends or placed in service; concerning the remainder, the large majority have returned to prostitution; while others, having left the district, their after movements were unknown. In March 1868, as I have stated, 18 were sent to prison. Since that date the necessity for resorting to such punishment has diminished; no inmate of the hospital has been sentenced to imprisonment since 4th July 1877.

1396. The women have conducted themselves in an orderly manner while they have been under our charge?—They have done so. What used to occur in the way of wilful destruction of hospital property, abusive conduct, and so on, is very rare now.

1397. I will not ask you at present about the other means that were used to reclaim those women, because we are upon one particular

Chairman—continued.

branch of the subject, that is, the medical effect of the Acts, so that I will not trouble you with any questions as to the moral effect of the Acts upon these unhappy women. I will ask you generally, after your very considerable experience at one of the principal military depôts, what is your opinion as to the effect of these Acts in a medical point of view?—There is no doubt that they have proved a powerful check against the spread of disease; that I think no one, even those who dislike the Acts, will be prepared to deny. I also aver that they have diminished disease, and they have decidedly mitigated its severity. Of course I am able to speak positively with regard to women; and being in frequent contact with the principal medical officer and the other medical officers stationed in Aldershot; and from what they say, and from what I plainly see, I most firmly believe, and most boldly affirm, that there has been case enough made out to warrant the maintenance of the Acts, and even for their extension.

1398. In which direction do you mean when you speak of extension?—I think that all military depôts and garrison towns should be placed under the Acts. I think that there should be some law or other for the purpose of controlling prostitution and preventing disease in all places, but the Acts as they are, should be applied to all garrison towns or places where there are numbers of soldiers.

1399. Have you ever been an army surgeon?—I have not.

Sir Henry Holland.

1400. I believe you gave evidence before the Royal Commission in 1870?—Yes.

1401. I would ask you in the first place, generally have you seen any reason to differ from the opinions which you expressed before that Commission?—I have not very recently looked it over, but I think not.

1402. You have spoken of the effect of the Acts in ameliorating the disease; is it your experience as a medical man, that, independently of these Acts, the disease has assumed a more favourable aspect in the country?—I certainly cannot think so. With regard to the character of the instances of disease which are almost constantly coming from places not subject to the control of these Acts, I must say that the cases are very severe; nor can I think that they are, so to speak, dying a natural death, or are naturally getting less severe than they were.

1403. Have you had many bad cases at Aldershot brought in from the unprotected districts?—A large number; in fact during the last five or six years, or even longer than that, all, or at any rate nearly all, the bad cases have come from unprotected districts.

1404. And there is, I presume, at Aldershot, a large influx of women from the districts around?—A very large influx at times and under certain circumstances. As I said before, new regiments occasionally bring in fresh girls with them. With the militia, as a rule, there is a larger influx of strange women than the regulars attract. There are large bodies of militia, from London, Surrey, Hampshire, and Berks; and when they come in they bring their acquaintances with them; and we know what some of the militia are, and the acquaintances that they mix with.

1405. I do

Sir Henry Holland—continued.

1405. I do not understand one of the reasons which you gave as a hindrance in working the Act, namely, the prevalence of disease in married and other women connected with the regiments; do you mean, under the head of "Other women," other women living with the married women?—Yes, by the married women, I mean such as described under Question 1374. We must remember how very prone some thoughtless men are to marry the prostitute they have become fond of. Under the bad circumstances of poverty and want of care, it is soon discovered the man cannot properly maintain her. Very often there are several children; probably, in some cases, that may be ameliorated by the woman being able to get work. In Aldershot, where the civil population bears a small proportion to the military, it is almost impossible to obtain that employment; therefore to my knowledge many married women suffer from severe forms of disease. I do not believe really that they love prostitution, but to gain a few shillings, they sell their favours to those in the regiment. I brought that matter before the Secretary of State for War, and I have two letters with reference to certain suggestions which I made for the care of those women.

1406. What are the dates of the letters?—I have the letters themselves. I have suggested that certain beds should be set apart in the hospital under my charge, for the treatment of women who, not being prostitutes, were still diseased, without subjecting them to the clauses of the Act, that is to say, without putting them under the observation of the police, and so on. It was Lord Cardwell to whom I wrote first, just before he retired.

Chairman.

1407. Was it a semi-official letter?—An official letter. I speak of it to show that my present statement I had brought before the War Office authorities before; that is a statement I am able to prove, which I have suggested a remedy for. There is one letter to Lord Cardwell, and another to Mr. Gathorne Hardy.

Sir Henry Holland.

1408. You say you have stated your difficulties with respect to the case of married women to the War Office?—Yes, and suggested a remedy.

1409. Will you state shortly the remedy which you have suggested?—The remedy which I have suggested to Mr. Secretary Cardwell was, that a certain number of beds in a special ward should be set apart. The hospital at Aldershot is not one large building, but is a series of huts separated one from another. I suggested to the Secretary of State, Mr. Cardwell, that a few huts should be set apart in a ward of segregation for the treatment of such as described women in the district, who were not prostitutes, but were known to be diseased; who were eager to get relief, and who would come into hospital but for being brought under the Contagious Diseases Act. Mr. Secretary Cardwell, in his reply, approved of it, and stated that a few beds, under certain circumstances, might be kept for that purpose; but I found it difficult to apply it. In the first place, it was rather difficult to make it known to them, as you could hardly publicly state,

0.116.

Sir Henry Holland—continued.

"Any women suffering from venereal diseases may come and be cured." It lapsed then; and my attention was again called to it, and more recently I wrote a letter to Mr. Secretary Hardy.

1410. Did you suggest the same remedy to Mr. Secretary Hardy that you suggested to Lord Cardwell?—Yes; with the addition that women who were not prostitutes, who lived in the district, might receive medical aid as out-patients; or that in some cases, if they were bad, they might come into hospital, in the same way as allowed for the married women.

1411. Has that suggestion of yours been acted upon?—Part of it.

1412. What part has been acted upon?—Giving medicine to a few, without bringing them under the Act. I have not hesitated to furnish them with advice at my own house, in order in every way to spare their feelings.

1413. Are you dealing with these cases of married women now?—Only in that way; only an occasional case; sometimes a poor woman comes to me after dark, having heard from some other person that I was willing to give her relief, and asks for relief. It is only recently that I had a woman and three children suffering from hereditary syphilis, under my care.

1414. That being the case, are you still of opinion that some special provision should be made to meet the cases you refer to, of married women and others living with them?—In my wish for the diminution of the disease, I should be only too glad, however much work it entailed, to have some beds separated for the treatment of these women; or some other mode of treating them.

1415. And you think the fact of those beds being ready for them could be brought to their notice?—There is a certain amount of shame attaching to coming to the Lock Hospital; there lay my difficulty with these women. If I had got a dispensary away from the hospital, to which these people could come, even were in large general private practice, which I am not, they might receive advice without notice; but with regard to going into these beds, if a married woman does come in, she conducts herself as a prostitute on purpose to procure admission.

1416. Could it be met by separating these beds, and the house in which they were, from the hospital, and taking away the character of a lock hospital from the building?—You mean that we should have a voluntary hospital built to aid the other; if the cases could be confined to such exceptional cases as honest married women, who by misfortune, and not by vice, had got into that state, it would be right and good; but I doubt whether it would be.

1417. What is the proportion of diminution of primary syphilis as compared with gonorrhœa, in the cases under your care?—I do not think that at the end of the year you could find any very great proportionate reduction; because of course, as I say, we get fresh patients, who come in when the others go. The whole number of admissions to hospital are decidedly less; for instance, the admissions in last year were 547 from Aldershot, Windsor, and Winchester, against 870 in 1870.

1418. I want to know whether the cases of primary syphilis are reduced in proportion to those of gonorrhœa?—I do not think that they are very much reduced in that way; they are reduced in severity, but this table includes women

H

Mr. Barr,
M.D.
16 July
1879.

Mr. Barr,
M.D.
16 July
1879.

Sir Henry Holland—continued.

from Windsor and Winchester; they did not come in in any great number.

1419. Have you a considerable number of cases of gonorrhœa under your care at Aldershot?—Yes, always. But there is one thing which will explain why we do not get so many cases of gonorrhœa, and that is that the women have decidedly learned to take greater care of themselves, especially the older ones, so that lotions, and means ordinarily used for discharges, are constantly used by the cleaner and better behaved of them. Of course young girls suffer more.

1420. In the evidence which you gave before the Royal Commissioners, the proportion that you gave was about two-thirds gonorrhœa and one-third syphilis; does that proportion hold now?—It does not hold now, I was speaking of 1869, then.

1421. In what way has it varied?—I think that gonorrhœa has got considerably reduced, but then the whole number of patients has got reduced too.

1422. What would be the proportion now, in cases of gonorrhœa and syphilis; you gave it in 1869, cannot you give it now?—The cases of complicated and uncomplicated venereal sores would be nearly half.

1423. I see from this table, that in 1869 the cases of gonorrhœa were 570; the cases of primary syphilis, complicated and uncomplicated, were 117; and the cases of secondary syphilis, complicated and uncomplicated, were 250; and in the year 1878 the cases of gonorrhœa were 289; the cases of primary syphilis, complicated and uncomplicated, were 206; and the cases of secondary syphilis, complicated and uncomplicated, 52?—Yes; I have put in this table, not to exhibit the decrease of disease, but simply to show it as it is; my hospital may be empty to-day, and 50 women coming in from a place to-morrow, may simply make the statistics which were wanting yesterday. The cases also are very different to those treated in 1869.

1424. You have spoken of incurable cases; I understood you to say that in many cases the women were incurable, in consequence of the limited length of time for which they remain in the hospital?—Yes.

1425. In a case where a woman has been kept the whole of the nine months, if she goes out she can very soon be brought in again, cannot she, within a few days?—She would if she were exercising a prostitute's life.

1426. And therefore, if she is dangerous, as exercising a prostitute's life, she could be brought in again, within a few days, and then have nine months more?—Yes.

1427. Would not that be time enough to effect a cure?—I think that there is rarely a case that cannot be cured in nine months as met with at present; it is possible that it might take twelve months, or more; but it would be one of those cases of an obstinate form of disease which, as a rule, shows relapses during almost a lifetime; but the incurable cases that we used to meet with were those where severe ulceration had proved so destructive that ordinary functions were interfered with; I have known, for instance, great ulcers destroy a large proportion of the bowel. A woman suffering from such a result of syphilis could not be operated upon under any circumstances; no hospital surgeon would attempt it, because the operation could not be successful.

Sir Henry Holland—continued.

1428. Would such a woman be able to carry on the practice of prostitution?—Those women, poor creatures, all do it under the influence of drink; it cannot be that they receive any particular enjoyment by indulging their sexual wishes; they are offensive to themselves, they are offensive to all about them, from the smell of the discharge. It is under the influence of drink, and the intellectual stupor of madness, they conduct their extraordinary trade.

1429. In those cases there is no means of stopping infection except by shutting them up altogether, is there?—No, that is what I suggest, that they should be shut up, in their own interest.

1430. To whom have you suggested that plan?—I have often made very long reports to the War Office, and I have informed them of all these matters; of course you could not expect the Secretary of State for War to assent to all you have to say.

1431. What is the average length of detention of women in hospital?—It was 25 days the last quarter.

1432. The time of detention has remained the same as it was the last time you were examined?—I think so.

1433. Have you found it necessary to avail yourself of the power given by the Act of 1869, of keeping the women in hospital nine months?—In one case only, the case I have narrated to you.

1434. Have you found occasion to keep them in for six months?—I have kept one woman just six months, to the day, I think.

1435. Will you state, shortly, how the periodical examination is carried on at the hospital?—Ordinarily the process is this: the woman receives notice from a policeman that she is to attend at the examination room on a certain day; and then I am there with a nurse, a nurse who has had a considerable experience with women, their illnesses, habits, and peculiarities. The nurse that I have for the purpose has been there as long as myself, in fact. When the woman comes in, I generally put a few questions to her first; I convince myself, if she is a stranger, that she is properly brought under the Acts, otherwise I should not examine her; when I find that she is under the Acts, and I have asked a few questions as to whether she believes herself diseased or otherwise, I retire from the room, and the nurse puts her into the position into which you would put an ordinary patient, and when she is ready to be examined, I examine her; if she is free from disease, I tell her so, and she goes away; if she is diseased, I tell her what I find is the matter with her, and she is detained.

1436. Do you find a reluctance on the part of women to submit themselves to examination?—Very rarely; if I do there are reasons for it; a woman who is in a dirty state does not like it, and here there is a little touch of modesty again; or a woman may be very badly clad, or a stranger, who has only recently been brought under the Acts, she may object for the first time; or sometimes a married woman, who has been carrying on what they call "a game" for a very long time, and at last has necessarily been brought under the Acts, may show a little reluctance.

1437. On the whole, do you find many cases of reluctance?—Very few.

1438. Do you find that these cases are such as you used to find in the earlier days of the Acts?—Decidedly;

Sir Henry Holland—continued.

—Decidedly; there were reasons then for reluctance, which as they have got better acquainted with us in carrying out the Acts, you do not meet with now.

1439. Would it, in your opinion, be more pleasing to women, to have a female examiner than a male examiner?—I took that into very serious consideration once, and I considered really whether a nurse, an intelligent woman, might not be well trained, and after a time trusted to conduct these examinations; having observed the bearing of the women to the nurses when they do examine them, that is when they are unwell, and so on, I came to the conclusion that it would not be a success; that the women would not submit to be examined so readily by a nurse on the one hand, and the nurse would be more at their mercy on the other hand; the nurse would be easier deceived than a doctor of experience.

Sir Henry Holland—continued.

1440. With reference to the examination of soldiers; they are examined, are they not, on coming into a protected district?—On coming into a protected district they are examined

1441. Is there any examination of them during the time they are in that district?—Only on certain occasions, when, in consequence of the presence of venereal, it is considered necessary to examine them; and then certain regiments to my knowledge were examined. I have always understood that in certain of the unprotected stations, they are examined when they come from other stations. I was speaking to the principal medical officer at Aldershot yesterday, and he says that at Preston and other places in the north they are examined.

1442. If they were examined, the chance of stamping out the disease in the protected districts would be very much improved?—Decidedly so.

Mr. Barr,

M.D.

16 July
1879.

Monday, 21st July 1879.

MEMBERS PRESENT:

Colonel Alexander.
Mr. Cavendish Bentinck.
Mr. Bulwer.
Mr. Burt.
Sir Henry Holland.
Sir Harcourt Johnstone.
Mr. Kavanagh.

Mr. Shaw Lefevre.
Mr. Massey.
Mr. Ernest Noel.
Mr. O'Shaughnessy.
General Shute.
Mr. Stansfeld.
Mr. John Tremayne.

THE RIGHT HONOURABLE W. N. MASSEY, IN THE CHAIR.

Mr. JOHN COLEMAN BARR, M.D., called in; and further Examined.

Chairman.

Mr. Barr,
M.D.
21 July
1879.

1443. I THINK you wish to qualify or explain some portion of the evidence which you gave on the last occasion?—Yes; it is particularly with regard to my answer to Question 1405 of the honourable baronet the Member for Midhurst. I had mentioned before a number of hindrances that had occurred to me as having notably interfered with the successful working of the Contagious Diseases Acts, and I alluded, among other causes, to some women who had formed hasty and inconsiderate marriages, to say the least of it, and who had in former years contributed to the spread of disease. I said that a soldier occasionally became attached to some woman who was leading a gay life, and either thoughtlessly married her, or induced her, under the name of his wife, to follow him to the different districts where his regiment might have been stationed. Of course the women were very poor, and it was not to be wondered at that in some cases they resumed their occupation again, and really in many cases to procure food. I am a little startled at what I am made to say here. I spoke very hastily, and any inaccuracy of reporting may be thus explained. What I wish to withdraw is any allusion to soldiers' wives. I find that the evil spoken of is dwindling down, and has become so favourably reduced that I should certainly not bring it forward now, merely including such women with others who come into the district in a state of disease. I beg to say at once that soldiers' wives, and I have known some scores of them, are as respectable, as praiseworthy and well-conducted women as belong to any class in the kingdom. The unfortunates that I alluded to simply bear the same relation to the whole class of soldiers' wives as the prostitutes of any other town bear to the ordinary civil population. I am afraid that my answer would be misinterpreted, as at present reported, to say the least of it, and I should therefore wish to withdraw any allusion to soldiers' wives; and if the Committee will allow me, I should be glad to have that portion of the evidence expunged to that extent, as it might be misinterpreted and applied to a class of well-conducted and praise-

Chairman—continued.

worthy women as the soldiers' wives really are. I can speak thus of my own knowledge, for it has been my fortune to become acquainted with many scores of them during my stay in Aldershot.

General Shute.

1444. The allegation rather refers to women whom soldiers have married without leave?—Yes, in every case; in many cases not married at all; but still who are amongst the women married without leave.

Chairman.

1445. I understand you to say that you do not desire to cast any imputation upon soldiers' wives generally?—Most decidedly so; nothing could be further from my intention; it would inflict an unfair stigma upon them to do that; and I should wish that answer No. 1405 to be reported according to my present explanation.

Colonel Alexander.

1446. Question 1406 refers to the same point?—It does not refer to that; it refers to decent women who are not prostitutes.

Mr. Shaw Lefevre.

1447. I understood from you that you made some recommendation on the subject, in your letter to the War Office, to the effect that certain beds in the hospital should be appropriated to the wives of some of the soldiers?—Yes, but they were merely incidentally mentioned amongst other women. When I wrote my letter or letters to the Secretary of State for War, I stated that there were certain women in the district, and, amongst others, some of those women referred to, the wives of soldiers hastily married, or irregularly married off the strength. These letters were written, I may say, some years ago; the evil now is dying out. I stated that there were women in the district who were not really living as prostitutes, but who were diseased, and who would gladly avail themselves of an opportunity to become cured, and I wished to know whether, as there were so many beds empty, I might not

Mr. Shaw Lefevre—continued.

avail myself of the opportunity of treating them. I stated that in consequence of the active carrying out of the Acts, such an effect had been produced that our beds, instead of being filled, were one-half empty. I had 100 beds under my care in the hospital, and there were 50 at the time empty; now, of course, there are many more, and it occurred to me, having heard that there were some cases of women suffering from venereal disease, who were not acting as prostitutes, and could not be brought under the Acts (indeed, they could not be provided for under the Acts), it would be a good opportunity whilst we had those empty beds to give those poor women a chance of relief from their disorders, and raising them from a state of the most utter despondency, excited by their present disease and a dread of the future results of a want of proper treatment.

1448. What would those persons be, unless they were the wives of soldiers; if they were not in that category they would come under the category of prostitutes who were subject to the Acts?—Not at all; a prostitute is a person who gets her living by prostitution as a profession; a clandestine prostitute is not a known prostitute, existing solely by the fruits of her lewd conduct. I mean that she is not a prostitute easily brought within the meaning of the Acts, or subjected to them.

1449. You stated that there was a considerable class of diseased persons not subject to the Act; is it for that class that you recommended the War Office to supply hospital accommodation?—I am afraid the way in which you put your question (I am sure it is unintentional) would really pervert my meaning; it is possible for people to be diseased without being prostitutes or gay women; it is possible for people years ago to have spent a gay life and to have not got rid of their disease, or they may have become diseased by their husbands or lovers. My object, as I said before, in having anything to do with the Contagious Diseases Acts, was the eradication of disease on the one hand, and the reduction of prostitution to a minimum on the other; and to eradicate disease one would use all possible means.

1450. You spoke about having a part of the hospital specially appropriated to them, so that you really seemed to point to a considerable class of persons who are suffering from this disease, who do not come under the Act?—I modified that statement. I said that whereas some years ago those women formed a considerable class, they had become very much reduced.

1451. So far as married women are concerned?—So far as married women are concerned. My remark applied to them also, that they had diminished very much, and they are only occasional cases, and that none of my remarks applied to the wives of soldiers as a class.

Chairman.

1452. Since you addressed that letter to the Secretary of State, you are of opinion, from subsequent experience, that it is no longer necessary to make special provision for the case of soldiers' wives?—For that class, certainly.

1453. You think that the matter has died out to a very considerable extent?—I think so. If the words "soldiers' wives" were struck out, and the words "women occasionally in a state of disease" remained, that would be sufficient.

0.116.

Mr. Stansfeld.

1454. If I understand you aright, you say to-day that you think your evidence, particularly in answer to Question 1405, is liable to misinterpretation, and might occasion a feeling of injustice in the minds of many of those persons?—Decidedly.

1455. And you wish to withdraw that part of your evidence which appears to reflect upon soldiers' wives?—That is my wish.

Colonel Alexander.

1456. You mean to say that men who have not entirely recovered from syphilis may marry, and thus infect their wives who are virtuous women?—It may occur so, and therefore I say I wish to withdraw the words "soldiers' wives"; I would give them, or any others similarly circumstanced, if possible, voluntary treatment, and I would make provision for them, so that they might get rid of the disease without being brought under the Act, or their misfortunes be made known to anyone.

Mr. Shaw Lefevre.

1457. I thought you stated that not unfrequently soldiers marry prostitutes, and that the effect of that was to take the women off the list of prostitutes, so that they could be no longer dealt with under the Act?—It is a perfect truth that there are soldiers who do marry such women, and it is frequently a reason for my being able to relieve them from further examination under certificate, as we call it, that they are married women.

Mr. Stansfeld.

1458. Have you that certificate with you?—No, but it is simply to this effect: "I do hereby direct that such-and-such a woman shall be relieved from further examination from the present date." When a woman wants to be relieved she makes an application; I inquire of the inspector of police; he recommends her, and at once she is relieved, and there is no further interference with her under the Act; provided, of course, that she does not by her conduct render herself liable to future subjection.

1459. That certificate is not contained in the schedule to the Act of 1869, I believe?—No, it is a certificate which has been drawn up for the purpose of relieving women from examination.

1460. It simply certifies that a woman is relieved from examination?—Yes, that she is no longer subject to the Contagious Diseases Act.

Mr. Bulwer.

1461. You do not wish the Committee to understand that it is your opinion that amongst soldiers' wives there are not some women who, through their own fault or their own misfortune, sometimes become diseased?—Certainly, there are some. All I said was that they are on a par with the civil population, in the same way as is the case with the men in the district.

1462. Amongst soldiers' wives there are women who misconduct themselves, as there are amongst the wives of the civilian population; but you do not wish to put the soldiers' wives into the category of immodest women more than any other class of persons who misconduct themselves in this matter?—Most decidedly not. I wish entirely to refrain from alluding to them as a class, and not for any one to think that, as a

Mr. Barr,
M.D.
21 July
1879.

Mr. Barr,

M.D.

21 July
1879.

Mr. Bulwer—continued.

class, soldiers' wives are more prone to misconduct than others.

Chairman.

1463. Then it is understood that you are at liberty, in revising your evidence, to expunge that portion of it which relates to soldiers' wives?—I should wish to do so. Would you be kind enough to leave out "soldiers' wives," and say "certain married, and other women"; but I have so strong an objection to my name being connected with a seeming slur which I never meant upon the soldiers' wives, that it would be a great hardship to me to be held to that answer as it was first reported.

Mr. Ernest Noel.

1464. Do you wish to leave out these words: "We must remember how very prone a soldier is to marry the prostitute that he is very fond of; he marries her, and it does occur, especially in those married off the strength, that it is simply impossible that the few shillings that he can hand the woman will maintain her." Do you want to strike all that out?—I would strike out the word "soldier" only. It may apply to any man; an agricultural labourer may marry a prostitute and not be able to keep her afterwards; I frequently meet with such unhappy cases.

Mr. Kavanagh.

1465. In your answer to the Chairman at Question 1397, you said, that from your own knowledge, and also from inquiries which you had made from the principal medical officers and other medical officers stationed in Aldershot, that you are in a position decidedly to affirm that, in your opinion, there has been case enough made out to warrant the maintenance of the Acts, and even for their extension?—Yes, that is my view.

1466. In the next answer to Question 1398 you went on to say in which direction you would extend those laws, and you said, "I think that there should be some law or other for the purpose of controlling prostitution and preventing disease in all places, but the Acts, as they are, should be applied to all garrison towns or places where there are numbers of soldiers;" is there no other extension that you would suggest?—I do not think that there could be any other extension of the Acts in their entirety at present. Of course there might be some difficulty in large towns if it were extended to them, such as London, Manchester, and Liverpool; but I think that it should be applied to districts which soldiers frequent, and to the women who are known by the police to mingle with them, and who are known to be regular prostitutes. I think there should be a modified law for country towns and some large villages where there are a few women who are really prostitutes; for instance, if a woman who can be proved of loose habits is reported to be diseased, she should be compelled to present herself before a doctor and be examined, and if found diseased she should be compelled to remain in some infirmary or hospital until she was cured.

1467. Whether it was a military district or not?—Quite so.

1468. With respect to the result in practice of the existing Acts, so far as they are really compulsory, do you think that they would ever stamp out the disease altogether?—I think they

Mr. Kavanagh—continued.

would go a very, very long way towards stamping it out. I think, decidedly, if it were extended, that you would get the worst cases of disease and the worst specimens of prostitutes under your control. I think that, if it were extended in the manner that I indicate, most decidedly the disease would in due time be lessened, and prostitution too, because you would have it under legal control.

1469. And the result that you would expect would be the lessening of the severity of the disease and the diminution of prostitution?—Decidedly so.

1470. Do you think that there could be really anything very effectively done in the way of protecting the soldier without examining him himself?—I have always been of opinion that soldiers should be examined. I consider, in the interest of the eradication of the disease, they should be examined. There is no doubt that a number of them have for a long time concealed their disease, and I consider that that is one of the reasons why there has not been a more favourable reduction in the secondary aspect of the disease.

1471. You look upon the effect of Lord Cardwell's Order in 1873 as having produced a great deal of concealment?—Yes.

1472. Which has resulted in more secondary disease?—Yes, I think so; I consider that that is one of the causes of the secondary statistics remaining as they are.

1473. You are not an army surgeon yourself, I believe?—I am not; I have been a general practitioner, and have paid a great deal of attention to this question for many years. I was for 15 months resident medical officer at the London Lock Hospital, where, of course, the medical officers are men in a position to instruct those who work with them. In other hospitals, workhouse infirmaries, and private practice, I have had ample experience of the whole subject.

1474. Therefore your experience applies more particularly, I may say, to females?—It does.

1475. Is there any difficulty in an experienced doctor discovering the disease in a woman?—Very little difficulty; with a trained eye and a careful examination there is very little difficulty.

1476. It is not the case that there might be many cases of disease which would escape the doctor's examination if it was not developed?—I think there could not be many cases. In my experience, after a careful examination, there are only a very few who have escaped, and those who do escape must be very trivial cases.

1477. Could they escape detection after examination by an experienced man, when they were so affected as to convey infection?—I do not believe they could. There might be a few cases in which one of the older class of prostitutes suffering from discharge might, by an application of lotion, and so on, deceive you; but it must be very seldom. I am speaking now of gonorrhoea; but with regard to syphilis I think it almost impossible to be deceived; or, at all events, I think it very rarely indeed that you can be deceived.

General Shute.

1478. You think with syphilis it is impossible?—I do not say it is impossible, but I say it is most improbable, if you take pains and are trained to it.

1479. With regard to gonorrhoea, supposing a woman

General Shute—continued.

woman who was anticipating examination, and used a vaginal syringe, and, in fact, thoroughly washed herself, would not that prevent the possibility of your ascertaining whether she had gonorrhœa or not?—If a woman made the applications that you name, she would lay herself open to suspicion by the examiner, who would decidedly detect within the vagina evident traces of the fluid she had been using.

1487. If she had been using merely cold water with the vaginal syringe, would that prevent your detecting it?—If she had been using merely cold water I should think that would hardly answer her purpose; she may use astringent injections, for I always endeavour to give them every opportunity to keep out of the hospital that I can, by instructing them what to use to prevent discharges or contagious illnesses; but even with the discharge, I think it is very rarely that you can be deceived by the use of the remedies you mention.

Mr. Bulwer.

1481. With regard to the last question, do you agree with some medical men that gonorrhœa may be imparted to a man by a woman who has not got gonorrhœa herself?—Yes, by mediate contagion; it does occur that gonorrhœa, syphilis, and sores are communicated in that way; and may be so propagated, the woman herself remaining free.

1482. By remaining free, do you mean that she had never had it?—I mean to say that it may in certain cases occur that a woman at the time is free from disease, and the fact of her communicating venereal to a soldier is not due to her own unfitness, but to contagious matter that she retains within her, the result of intercourse with a diseased man.

1483. My question was rather pointing to this: I assume a perfectly virtuous woman, do you agree with some medical men (I believe it is an opinion entertained by some) that she may communicate to a man something in the nature of gonorrhœa and so much in the nature of gonorrhœa that a medical man cannot distinguish from gonorrhœa?—I cannot agree with that; if a man is foolish enough to have intercourse with his wife, however virtuous a woman she may be, during her monthly disturbances, it is possible that he may have balanitis or urethritis; but in that case it is altogether a different thing from gonorrhœa, which goes through painful stages, and is of another character, having symptoms and sequelæ which ordinary urethritis has not.

1484. Do I understand you to express an opinion that the Acts, or some modification of them, might be applied to other places than those to which they are at present applied; that is to say, they might be extended to a certain degree?—Yes.

1485. Have you at all considered the nature of the evidence which would satisfy you that a woman was diseased; or how would you arrive at that knowledge?—By making an examination of her and detecting it by the results of experience and observation.

1486. Have you at all thought of the method in any way in which you could ascertain it, except by an examination of the woman?—Certainly not, except by her own voluntary statement that she was so. Of course, with regard to constitutional syphilis, when it shows its mani-

0.116.

Mr. Bulwer—continued.

festations on the face, or on the hands or the exposed parts of the body, in such a case as that I should require no other evidence than my eyes at the moment.

Mr. Stansfeld.

1487. I think you said the other day that your first appointment was at the London Female Lock Hospital, Westbourne-grove?—At Paddington, in the Harrow-road.

1488. Is that a certified hospital under the Act?—I suppose it is, it receives Government patients as they are termed. Beds in that hospital have been engaged by Government in carrying out the Acts of 1864 and 1866, and the present Acts.

1489. But do you think it is a certificated hospital?—They cannot use a hospital that is not certified for the purpose of those Government patients.

1490. Is it certified and inspected?—Yes.

1491. And that would have been the case since the Acts were in operation?—Certainly.

1492. Then during that period when they received women from Aldershot, before you went to Aldershot yourself, were they sent by a compulsory process to the hospital in Westbourne-grove, or did they go willingly?—They were sent under the provisions of the Contagious Diseases Act. They were examined by the surgeon then appointed, who sent them up with the usual certificate, in charge of the police.

1493. Therefore they did not come at that time voluntarily, but they came in charge of the police under the operation of the Acts?—Precisely so.

1494. I think that continues at the present time, as far as you know, under the Act?—Yes.

1495. I think you said that in 1875 you yourself had been instrumental in sending 29 women from Aldershot to the hospital in the Harrow-road?—Yes.

1496. And that would be under the same conditions?—Under the same conditions. I represented that a case of small-pox had occurred in the hospital, and the Secretary of State sent his directions down that women found suffering from venereal should be sent to London, until the segregation wards had been disinfected, and no small pox remained.

1497. When those 29 women were treated and cured in the Harrow-road Hospital in 1875, what became of them?—I think most of them returned to Aldershot again. Some that I sent there had come from other places a short time before, but most of the women returned to Aldershot; some would go to Woolwich and others to Chatham; it may be that a few of them remained in London, but that is only a surmise of mine. I cannot give any positive information about that. Most of them, I know, came to Aldershot, because they came under my observation again at a later period.

1498. That is to say, having been treated in the Lock Hospital in the Harrow-road, they returned to practice their profession at Aldershot, as before?—Most of them did certainly; of some I cannot speak.

1499. And of those who returned to practice their profession, they were brought back to the places where they practiced their profession, were they not, at the Government expense?—There is a rule, certainly, that every woman shall

Mr. Barr,
M.D.
21 July
1879.

Mr. Barr,
M.D.
21 July
1879.

Mr. Stansfeld—continued.

be sent back to the place from which she is taken, at the public expense.

1500. Is not this the Act of 1866, Section 27, that every woman shall on her discharge from the hospital be sent to the place of her residence, if she so desires, without expense to herself?—Precisely so.

1501. That is, if she so desires, she is sent back without expense to herself to the brothel in Aldershot from which she came?—She is sent back to Aldershot, the station from which she is sent. It remains with her where she shall go or what she will do when she arrives there.

1502. But, if she desires, she is sent back to her place of residence?—Decidedly so, to the town or city she may term her residence.

1503. In your evidence the other day you described the condition of the diseased prostitutes who came up to the Harrow-road Hospital; that description, I think, applied to the condition of the women as they first came under your observation, and you said that afterwards you went down to Aldershot?—Yes.

1504. I am not sure whether an improvement in the condition of the women had taken place before you went to Aldershot?—I said that an improvement was becoming evident before I went to Aldershot.

1505. In what year did you go to Aldershot?—In 1868.

1506. Then an improvement was already becoming evident, but the condition which you first described was, I think, of this nature: that they were filthy in their persons and dress, and foul in their manners and language?—Truly so.

1507. And you told the Committee that a great improvement had taken place since that period?—Certainly.

1508. To what do you attribute that improvement?—To their being brought under the influence of the Contagious Diseases Acts.

1509. I suppose that that is your impression, but I want you kindly to go a little more into detail. Let me refer you to one of your answers to Question 1363, in which you state, "I found that for several years the examinations were very inadequate to detect the disease in women, especially until they got more cleanly and got into better lodgings;" is not it true that in those earlier years, and before the camp at Aldershot was thoroughly formed, and the dwellings necessary for the hangers on of the camp were erected around it, that there was great difficulty in those poor women finding lodgings in which they could live in any cleanliness?—Certainly.

1510. Therefore you would admit, would you not, that to the extent to which lodgings, by degrees, come into existence in which they could live with common decency, in so far as cleanliness was concerned, that would be the cause of that improvement which you noticed?—Partially so.

1511. But now you think that a great deal of that improvement which you mentioned has been due to the operation of the Contagious Diseases Acts?—Certainly.

1512. I want you to explain in detail how it is that improvement has been brought about by the operation of the Contagious Diseases Acts?—In the first place, as I stated the other day, being brought into the presence and under the control of persons whom they found willing to help them out of their troubles and from their diseases, they had aroused a little of the old modesty,

Mr. Stansfeld—continued.

which apparently they had lost before. When they were found diseased they were kept in the hospital, and during the time that they were there they were separated from their associates; they were not in places where bad language was used or drink was circulated, and where inclinations towards bad habits were made worse. On the contrary, they received good advice and proper treatment, and when possible, they were sent into homes or back to their friends, or in some way assisted off the streets. And with regard to that I may say that although several of them were in hospital on more than one occasion, every time that they came in it had apparently a still further good effect upon the majority of them.

1513. So far as I have understood your answer, it is this: that to some extent, which I suppose it would be difficult to define, the treatment of those poor women in hospital has improved, and rendered them more cleanly, I can hardly say more decent, but more cleanly in their habits?—Yes, more cleanly, certainly.

1514. That great change having taken place, am I to understand that it is the same women who have become more cleanly in their person and more decent in their language, or do you imagine the result of the Acts to be that you have got a different and rather a better class of women?—Not at all; I must go a little further with regard to those who are becoming more cleanly and more decent. The effect, as I believe I said before, has been to take a number of them off the streets, and to place them in Homes, restore them to their friends, or get them situations. That process has successfully continued from the first day to the present day.

1515. Whatever the agency may be under which reclamations have been effected, the women who are reclaimed are no longer upon the register and practising prostitution, and therefore we have not to deal with those women; we are just now speaking of the women who are at present practising prostitution in Aldershot; and I want to know how it is that their condition has been improved in any way?—Simply in this way, that some of them have come into the district in almost as miserable a condition as those were who originally came, and of whose condition I spoke in their first residence in Aldershot; but all who came and come into the camp begin to improve in some way almost directly.

1516. I ask you whether you mean that you have got, in consequence of the Acts, rather a better class of women, or whether the same women have become improved in the hospital?—The same women; I would ask the right honourable Member what he means by a "better class of women"?

1517. You stated that the character of the women, when they first came to you as medical officer of the hospital in the Harrow-road, was extremely bad; that they were diseased, that they were extremely dirty in their habits, in their clothes, and in their persons; that they were women, in fact, of the lowest class you said; I want to know during the 10 years of your stay at Aldershot, whether there has been a very great change in the women who have been there; are there comparatively few who were there 10 years ago, when you went there?—A few only.

1518. I want to know whether you think that

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Mr. Stansfeld—continued.

the class of women has changed, or is it simply that the conditions of life, and therefore the habits of the same class of women, in one sense, are improved?—I may mention that it is the same class who are so satisfactorily improved in condition. Naturally most of them come unfortunately from the poor class of society. It is not because the poor classes are more vicious than any other classes, but the great disadvantages under which they are bred and brought up, of course, militate against them in every way. They were constantly subjected to the insufficiencies of life and the pressure of bodily toil.

1519. I understand your meaning to be this: that so far as your judgment or impression goes, the state of the prostitutes in Aldershot, perhaps after making an allowance for the erection of lodgings which did not originally exist there, would have been what it was 10 years ago, had it not been for the Acts?—I must say in the first place that no lodgings have been erected, and therefore they have not that advantage.

1520. They do not live in drains now, do they?—No, but the number of women is just one-half what it was formerly. Therefore there are no lodgings built for their accommodation solely.

1521. There are more houses in which they can find accommodation, surely?—I should hope so, but I do not hear of any new houses which they take. On the other hand, I have known many places where they have been entirely driven out where they had shelter before.

1522. I have not the least wish to pervert your answer, when you stated a few minutes ago that you thought that the existence of better lodgings to a certain extent accounted for their improved condition, and that it was possible for them to be more cleanly; do you wish to withdraw that answer?—No; I did not say that they had got them. I was speaking of my thoughts at the time. I said, "I found that for several years the examinations were very inadequate to detect the disease in women, especially until they got more cleanly, and got into better lodgings, and got an opportunity of cleaning themselves, but now, and for some time, the examination is once a fortnight, as a rule." I did not say that they had got better lodgings; it is impossible for them all to do so. But I can say that the lodgings, according to reliable information, are kept in better order, and the women are certainly more clean in their persons.

1523. Making whatever allowance you may make for that, your opinion is that if it had not been for the Contagious Diseases Act, the personal condition and habits of the prostitutes of Aldershot would be what you described them to be in 1867?—If there had been no other means used to effect an improvement upon them, I believe they certainly would.

1524. When you say, "If there had been no other means," that is a very sensible reserve. You have given us one reason for the improvement in their condition, namely, their kind treatment in the hospital, and I think that in answer to Question 1352 you gave the Committee to understand that they appreciated that treatment?—Certainly.

1525. And you then said, did you not, "I do not think that I have met with a case that has not been a case of voluntary submission out of all this number;" that is, during the whole of your experience?—Yes.

1526. "Of course this is the number of diseased
0.116.

Mr. Stansfeld—continued.

people, but of all the numbers that have been before me for examination I have not met a single case that was not a voluntary submission, and on very many occasions a very eager submission to get into the hospital?"—Precisely so.

1527. Assuming that to be a correct view of the state of a number of those poor women, would you attribute the improvement in their condition to compulsory periodical medical examination, or to the treatment in the hospital to which they voluntarily resort?—The compulsory examination is prefatory and necessary to their being in the hospital. But for the examination they could not be in the hospital. It is at that time I am first made acquainted with them. When I first see the women I use the opportunity to give them a little good advice, and they know very well, from the first moment that I have anything to do with them till the moment they leave the hospital, that there is no want of good advice on the part of every official they meet there. They know also that it is not merely kind treatment they receive, but they get rid of painful diseases which they have been unable to do under other circumstances.

1528. I want you to address your mind to the distinction between the system of compulsory periodical examination for the purpose of ascertaining whether they were diseased or not, and the hospital treatment for those who are diseased. You have said, in answer to Question No. 1352, what seems to me to amount to this, to an opinion on your part that there is a great readiness on the part of those women to go into the hospital?—There is in the case of those who have been brought under the humanising influences of the Act, and many have come into the hospital on purpose to get the relief that they could not obtain elsewhere.

1529. If there is that willingness to enter the hospital, where is the need for compulsory medical examination?—If my answer applied to all, it might be so, undoubtedly; but it only applied to a very few. With regard to those who have been brought under the influences of the Act, they know very well that if they have the slightest symptom of disease, when detected they will be sure to be taken in, and therefore their voluntary submission is itself an acknowledgment of their being diseased, and of their willingness to place themselves under treatment.

1530. I do not want to make any unfair use of your evidence, but I think you are saying something of which you hardly know the purport at this moment. In answer to Question No. 1352, you told the Committee, "I have not met a single case that was not a voluntary submission, and on very many occasions a very eager submission to get into the hospital?"—I beg your pardon. I was speaking of the examinations; and, according to certain clauses of the Act, a woman must either attend the examination upon the order of a justice, or she may attend the examination by voluntary submission. I alluded to the fact of her submitting to examination, not to her coming for the purpose of going into the hospital; but she submits to the periodical examination.

1531. Would you say that she submits of her own free will, or is eager to be examined?—I referred to the fact that in a certain state they eagerly submit in order to receive the active treatment of their disease that they there obtain.

Mr. Barr,
M.D.
21 July
1879.

Mr. Barr.

M.D.

21 July
1879.

Mr. Stansfeld—continued.

1532. Excuse me, your words are these: "I have not met with a single case that was not a voluntary submission, and on very many occasions a very eager submission to get into the hospital?"—Then I suppose I did not put my meaning satisfactorily to you. I was speaking of voluntary submission entirely as applicable to the periodical examination. I did not say that there was an eager submission to get into the hospital, except when suffering from disease. The voluntary submission applied entirely to the periodical examinations.

1533. Your evidence the other day was that you had not met with a single case that was not one of voluntary submission?—I should explain myself. There is no error there. When a woman is summoned before a magistrate for not admitting her position, that is no voluntary submission; but such cases do not occur in Aldershot.

1534. As I understand your evidence, it is that the women are willing to submit to examination?—Exactly so; what I call voluntary submission means this, that they choose one mode of procedure instead of another, and appear to do so without reluctance. Instead of being summoned before the magistrate, a woman says, "I would rather sign my name to this submission," and does so.

1535. Then it is a case of no compulsion, only you must?—It is compulsion, of course; but may be avoided by leaving off prostitution.

Mr. Bulwer.

1536. If you will read Question No. 1352, and your answer, you will see that you and the Right honourable gentleman are quite at loggerheads; you are talking of one thing and he is talking of another?—The question that was put to me by the Right honourable Member for Halifax, as I understood, was this: I wish to distinguish between periodical examination and the treatment in the hospital. Then I was referred to the procedure customary on a woman coming into the camp, and I stated, if the policeman suspects, and can fix a certain proof upon her, he talks to the woman, who if she chooses voluntarily to submit or to sign a submission paper, instead of being brought before the magistrate, can do so.

Mr. Stansfeld.

1537. The honourable Member has suggested that we are at loggerheads, but I cannot see that it is voluntary, as far as I understand it now?—Every one knows, and I ought to know well, that it is a compulsory law in its whole intent; but I meant to say that a woman, whether diseased or not, however bad a prostitute she may be, is allowed to present herself for examination, without being summoned before the magistrates, and she would do that in preference to making herself known.

1538. That is precisely what I am coming to; the effect of your evidence, as I read your answer to Question No. 1352, is this, that the submissions to the periodical examination were, in plain English, voluntary and of the free will of the woman; and you now explain that same answer by saying that the woman prefers what the Act calls voluntary submission to being compelled by law to submit?—To being compelled by an order of the justice.

Mr. Stansfeld—continued.

1539. Now, I understand that it is in this sense that you wish your answer to Question No. 1352 to be understood, that you had not met with a single case in your experience of Aldershot, of a woman not submitting voluntarily to the periodical examination?—Certainly not; the law is obeyed. There is one of two alternatives, and obedience to the law is secured by a voluntary surrender.

1540. Your answer to Question No. 1352 applies not merely to the cases specified of women coming into the hospital for the first time, but applies to the whole of your experience?—The whole number on the register.

1541. As I understand you, you said that that applied to the whole number on the register, and you wish to explain this morning what you meant by saying that you had not met with a single case that was not a voluntary submission; do you wish to say that the submissions were only voluntary in this sense, that they preferred to submit to the process of so-called voluntary submission rather than to come under the operation of the law?—In a double sense. In the first place, of course, there were two legal courses open to them; so that they were allowed a choice, placing them in a safe position; so that if they were diseased they could come to the hospital and have the advantages of the Act.

1542. Do you then think that the voluntary submission is really voluntary?—I do.

1543. And that it is continuously voluntary?—I do.

1544. And that so far as getting into the hospital is concerned, when found upon their examination that they are diseased, you think that there is not only a voluntary submission but an eager submission?—It is a voluntary submission, and I say that in many cases it is a very eager submission. With women who are really ill it is often a very eager submission.

1545. I said to you a short time ago that I wanted you to address your mind to this distinction, and I want the Committee if possible to address their minds to the distinction between compulsory periodical examination and the institution of hospital treatment. I ask you after this, what is the necessity in your mind for a law compelling examination or recourse to a hospital?—Because otherwise you would not find out who were diseased; you must have an examination to detect the disease especially in its early stage. No doubt a large number of those women would come into the hospital and would present themselves for admission, but it would be at their own convenience when they had got so badly diseased that a good deal of mischief would have been done.

1546. I understood you to say that their submission to periodical examination was *bonâ fide* a voluntary submission; if so, what need have you for compulsion?—It is simply obeying the law; voluntary submission, as I said, with them bears two interpretations.

1547. My question is this: you have said that their submission to examination is *bonâ fide* voluntary, that they recognise the benefit of the system, and you have never known a case in which it was not voluntary, and if so, I ask what need for any compulsion?—Because it is necessary to detect the disease in its early stage, and equally necessary to place the patient under treatment at once. With regard to the question

Mr. Stansfeld—continued.

tion of eager submission and voluntary submission, I will take 100 women; perhaps five or six of them might in an early stage of the disease come and, relating their state, submit in order to procure admission into the hospital; but the other 95 would say, "I will stop out a little bit longer; I may get cured by and bye." Perhaps they have a good many friends; they would stop out and propagate the disease, and when really ill, and in much pain, would eagerly submit themselves after having done a lot of mischief. So that an entire check to the eradication of the disease would exist in their being free. The object of the Act, as I understand, is to detect the disease at once, and put a stop to it, and to prevent its progress.

1548. Do you think that without this compulsion a lot of women would not offer voluntarily to submit to periodical examination?—Do you mean to ask me whether if a notice were spread amongst them that a periodical examination would be held, they would voluntarily go of their own will? They would not voluntarily go, or if they went at all, would not go regularly; they would go, as I said before, when they were diseased, but not at a time when they thought they were able to ply their trade a little longer.

1549. Although they voluntarily go now?—They go under this voluntary clause now.

1550. I must carry it a little further; I understood you to say that though there is a considerable amount of appreciation of the benefits of the system, in your opinion, there are a number of women that you do not think you would get so soon as they ought to come?—No, they would choose their own time.

1551. They would choose their own time; that amounts to this, that you would not get them so soon?—I should not get them till they had done a great deal of damage, and perhaps till they had got so bad that they would have, in consequence of broken-down constitutions, to seek the workhouse to die, all chance of their getting better being consequently taken away.

1552. Is not your view a little extravagant, after you have stated that they so willingly submit to the periodical examination; is not it likely that, with ample provision of hospitals and kind treatment in the hospitals, and the opportunity, if they choose, of coming in, in order that it might be ascertained whether they should reside in the hospital for a time, that would have a very considerable influence upon them?—If you only met with women of that Halleluia disposition, who would think it best for themselves and act as you say, I should rejoice at it; but my experience of this class of women who get their living by prostitution is very different from that. I would allow that I did put the case a little strongly when I spoke of a woman being so bad as going into the workhouse to die, but that was a very common event years ago.

1553. But I take it that you would not undertake to define the proportion of women who would not enter the hospitals in case they became diseased, compared with those who go now; you think the number would be less, but I presume with a fair provision of hospitals, and the gentleness of which you have spoken, which you would extend to them, you would get a very considerable number of those women willing to submit themselves to that treatment?—You would get a certain number.

0.116.

Mr. Stansfeld—continued.

1554. Would you not get a very considerable number?—You might get a certain number, but it would be on the condition, I suppose, first, that they would choose their own time for coming in, and next that the law should allow them to choose their own time for going out.

1555. The going out is another question; you say that they would choose their own time for going in; are you prepared to say that if, in the spirit of benevolence, hospitals were established, and women were invited to go into the hospitals, and it were shown to the women that they needed that treatment, they would be of so little avail that the women would not go in until the case had almost gone too far?—My experience of all of them is, that they would not go in until they felt disposed to do so. They might some of them make attempts to cure themselves, others might leave treatment alone, thinking they would get better; but at any rate few of them would go in until they considered that they were compelled to do so. I should be very sorry to be considered so selfish or so egotistical as to deny that well-disposed people, people of position, and others who would be prepared to use their best influences with prostitutes, would produce no good effect, or that they were usurping another's duties, or a work confined to a recognised class; but I am afraid that it would not be efficacious.

1556. Why should it be so, because this is really the very root of the question; in the hospital you treat those women kindly, you maintain them free of expense, and you cure them; and you say that they are glad to get there, although they might be tempted not to go there until it is too late?—It depends, of course, upon the detrimental influences brought to bear upon them by the unfortunate life that they lead. A woman who voluntarily adopts a life of prostitution is exposed to scenes of temptation and influences that a person in an ordinary condition of life is not.

1557. Do you suppose that a woman who leads that life delights in that life?—They mostly do, or the great majority of them, because I have spoken of a large number that we have helped into Homes, to their friends, and to situations. Of course I am sorry to say that I know that some of them do not remain in those homes in spite of the most Christian and kind treatment on the part of the excellent managers of them, and they find their way back again deliberately. Others who have been imprisoned for offences connected with the same vice, find their way back, and resume their trade. Therefore there must be a strong temptation and a strong liking on the part of these women for that life, especially with a certain proportion whom you cannot consider as amongst the class of seduced women.

1558. I will take the case of a woman who has given herself to this kind of life, and of whose reclamation there is no chance; who, in fact, has given up all idea of reclamation; I want to know why that woman should not be very glad at the very first moment to go into a well-appointed hospital, where she would be kindly treated?—That is a question which I was going to say you had better ask the woman; but in explaining her state, as far as I can from my own experience, I must portray her diseased state of mind, as well as her frequently diseased state of body, which takes away all common sense from her; and she goes back to the habits

I 2

Mr. Barr,

M.D.

21 July
1879.

Mr. Barr,

M.D.

21 July
1879.

Mr. Stansfeld—continued.

to which she has become addicted, we will say drinking, dancing, singing in music halls, and such other things, which would prevent her yielding to the improving influences that you speak of, and prove a hindrance to her placing herself in the hospital.

1559. Is it not within your knowledge, as a matter of fact, that a considerable number of those women are not only glad to stay in the hospital, but more than willing to stay until they are completely cured?—That requires a modified answer. I cannot say that a very considerable number of them are so very glad and willing to stay in the hospital until they are quite cured, especially when free from pain, and the ailment slight.

1560. I do not say that the cases are considerable in number, but you do find cases of that kind?—Yes, certainly, we find some of them willing and even desirous to stay.

1561. I presume that what you would especially regard as of importance would be the power of detaining women in the hospital until they were cured?—Yes. We want power; first, to separate a woman as soon as she is diseased, as early as possible afterwards, and to detain her in the hospital until she is quite cured.

1562. Am I right in assuming that if it should be felt on the part of the Legislature that there was an objection upon moral or constitutional grounds to the system of compelling a periodical examination, which in the public mind, so far as a large portion of the public are concerned, amounts to a guarantee that the woman is fit for prostitution, there would be an advantage in keeping the woman in the hospital until she is cured?—Decidedly so, if her treatment in hospital only produced that effect.

1563. And that a large provision of hospitals, the kindly and generous treatment in the hospitals, and care taken to induce women to come to the hospitals, and to explain to them the state that they are in, you would expect to produce a very considerable amount of good?—I have tried to think so. I should expect some benefit, but whether it would be to any great extent or of much duration, is very doubtful. I should be really very glad if I could thoroughly agree with you in that. I am not, as I said, so self-sufficient in my opinions that I should not be open to conviction if I thought your suggestions would do the necessary good, and having already considered it, might have ventured to submit to the Government the advisability of trying the method spoken of; but we should be in this position: we could not get hold of the women until they had been for some time in a state to propagate the spread of venereal, and the chance of eradicating the disease would be consequently very much lessened. The good that we do is positively this, that we restrict them from acting as prostitutes when they are diseased, by keeping them in hospital.

1564. But you do not require a periodical compulsory examination for that; the Act of 1864 provides for that?—Those women would leave when they liked, for you could not keep them in the hospital.

1565. Suppose you had the power of detaining them until they were cured, the Act of 1864, which enacted compulsory examination, dealt with those cases of disease, did it not?—It did, but it dealt very inefficiently with them, because they left before they were cured.

Mr. Stansfeld—continued.

1566. I am assuming that you have the power of detaining them until they are cured; I am speaking simply of their admission. We were talking about the condition of the women when you first went to Aldershot, and of their improved condition now. I do not think I need refer you to your evidence before the Royal Commission and the House of Commons' Committee, but you told that Commission and that Committee of your mode of dealing with those women whom you had under medical charge. This was your evidence before the Royal Commission at Question 13910: "When those women, as I said before the House of Commons' Committee, come to me, my custom is to instruct them to keep themselves clean, to use injections and lotions, and do all they can towards keeping themselves and the soldiers free from disease." I do not think I need go further, but there is a similar answer to another question. You, I presume, continue those instructions to the women whom you have to treat?—When they are in hospital I certainly give them advice of that kind, and repeat it on their leaving, with the view, of course, of preventing disease, and keeping the women, if possible, in a healthy state.

1567. You give them advice how to deal with their persons so as to minimise the chance of infection?—Yes; they learn that of course in hospital; they learn the names of certain drugs and prescriptions that are used there.

1568. You specifically explain to them how to treat themselves?—Yes; I tell them certainly that if they do not use proper precautions, and keep themselves clean, they expose themselves and the soldiers who are with them to disease.

1569. Do they not do so by the application of a lotion of one character before commerce with a particular man, and of a lotion of another character immediately afterwards?—No, I think not. The instructions are very simple in that way; they are for purposes of cleanliness, really, for clearing away noxious matter and diseased material, they are recommended to keep themselves washed with cold water, and, at proper intervals, some simple astringent lotion or mixture. There is nothing specified beyond that.

1570. There is no difference in the lotion to be applied immediately before or after commerce?—Not at all; I specify no very particular lotion; but chiefly give them instructions as to keeping themselves clean and in as harmless a state as possible.

1571. Astringent lotions?—Yes, simply astringent lotions, but not anything peculiar to them alone. A woman hitherto healthy may become weakly, and may use ordinary astringent injections, with benefit, and of necessity. There is little more beyond that.

1572. The application of those lotions is not simply for the purpose of bodily cleanliness, it is for the purpose, is it not, of minimising the danger of infection?—Precisely so; that is my meaning.

1573. Are those instructions given by you under orders?—Certainly not. It is voluntary and gratuitous information that I give them; entirely of my own free will, just as I should give to any poor person advice gratis.

1574. Those instructions that are given by you are not given under orders; they are given by you, I ought to say, in a spirit of benevolence?—Simply as a matter of kindness and safety.

1575. Are you aware that similar instructions

Mr. Stansfeld—continued.

are given to prostitutes by the brothel keepers of this country and of other countries?—I am sure I am not aware what the instructions of that class of persons are. At any rate, if they do so, they have got more sense than I gave them credit for. I should give them a little more cleanliness if I had my way, and compel them to avail themselves of every opportunity of becoming clean.

1576. Are you entirely ignorant of the fact that in many continental brothels you will find such instructions posted up on the walls of the rooms?—I must speak from a British point of view. I believe in this Act, and in the way in which English law can be carried out, as we have a better police here; and those printed instructions that you speak of, I think, are not what we should resort to in this country. I would have material for ablution in every brothel and prostitute's apartment in the kingdom; but no printed medical instructions.

1577. I only ask you whether you are aware of that fact; however, I understand you to say, and I do not wonder at your saying it, that you feel a repugnance to that notion?—To the notion of having a printed paper, I have. If a person liked quietly to instruct another person, I cannot say there is harm in it.

1578. You characterise it as un-English; has it never occurred to your mind that in the minds of those poor women themselves, when you from purely benevolent motives instruct them how to deal with their persons so as to minimise the chance of disease in the conduct of their profession, they must regard it as a kind of sanction of the profession that they are pursuing?—Not at all. If I thought so I would never have given them such advice. As it is it is mostly a repetition of the advice that they get in hospital, from a desire to do them good, I will admit, in a sanitary meaning, and to help to influence them after a time to get sick of the whole business, and go into a Home, or leave the streets for some more creditable calling.

1579. I want you to distinguish between the treatment in hospital for the purpose of curing, and the dealing with women in order that, if they choose to continue their profession, they may do it at the minimum risk; you do not think that those arrangements are calculated to convey to their minds, and to the minds of their customers, this proposition, that there is no harm in prostitution, but only in disease?—I intend certainly to convey no such an opinion as that. I give them professional advice in order to achieve one of the reasons for which I have anything to do with the Acts, that is, the eradication of disease; and as these unfortunate women are propagating disease by their profession, it is my duty, by advising, or in any other way in my power, to lower and put a check to it.

1580. I am quite sure of that; but has not this that has occurred to my mind ever occurred to yours, and would not it have very much shaken your acceptance of the Acts, if it had occurred to you to think that the only effect upon both men and women of such arrangement is to make them regard prostitution and sexual vice as unobjectionable, provided it be unaccompanied by disease; would not you yourself be repugnant to the idea of such an influence being exerted by the Acts?—Certainly; I am as much against prostitution as any person can possibly be, and I

0.116.

Mr. Stansfeld—continued.

have proved that by removing many hundreds from the streets; but you know, as everyone knows, how inseparable prostitution is in connection with a camp, or a great town, or a military station, or wherever there is a large number of single men.

1581. I understand that your object as a medical man is to reduce disease, and your object as a philanthropist and a man of moral ideas is to reduce prostitution, as you said you have both those desires, have you not?—Quite so.

1582. But I want to ask you to consider with me the effect of the operation of these Acts upon the amount of sexual vice, and the amount of prostitution; and let me say, lest it should be supposed that I am going out of the hygienic ground, that I am going simply to draw hygienic consequences, and no other consequences, in the evidence I am now trying to obtain from you; the result of all these arrangements, of the care and kindness and medical attention of which you have been speaking, that is to say, the result in the minds of these women, as they are cleaner and healthier, is to lead them to presume that they may be better paid; is not that so?—I cannot tell you that.

1583. I think we may assume that if they are cleaner and healthier they are likely, first of all, all the more to follow their profession, and they are likely to be much better paid; in fact, the net result, as it were, so far as they are concerned, is (and I think you yourself have said that they were better dressed) to make them more attractive, is it not?—When I say better dressed I did not mean to say that they were dressed expensively, or that the new dresses had cost more than the others had originally cost. The very dirty ones may have been originally of the greater price; but I mean by being dressed better, that they were dressed in a neater, less glaring, and more cleanly manner.

1584. I should think that the first thing to make their dress attractive would be that they should be clean, but, however, the result is that they have become more attractive?—They are more attractive to the ordinary eye, of course, of the passer by. The condition that they were in years ago made them objects of repulsion to ordinary beholders, whatever the effect produced on their military customers.

1585. But in looking at the effect that you have told us of, that through these Acts they have become healthier and more cleanly and more decent in their manners, in their person, and in their dress, what effect is that likely to have upon the habits of the men who more or less consort with them?—I am afraid that it cannot have much effect upon the men who consort with them; but looking upon the women, in whom I am more immediately interested, I am satisfied that it has a good effect upon them, and that after a little time it makes some disgusted with the men. If a person pays any attention to herself, that is to say, makes herself neat and cleanly in appearance, she will want to be a little better than that; and after a bit, if they should gain admittance to the hospital, we teach them to read and write; and certainly I think that is one advantage gained by a person who gives up some amount of time to clean herself. She becomes a better woman than she was before. It opens to her a little bit more daylight into the actual state of things about her, and the unfortunate position that

I 3

Mr. Barr,
M.D.
21 July
1879.

Mr. Barr,

M.D.

21 July
1879.

Mr. Stansfeld—continued.

that she herself is in with regard to her avocation and her future prospects.

1586. Would you kindly follow my question: you are speaking of the women; I do not wish to press any answer that you do not like to give, but I was asking with respect to the effect upon the habits of the men, and I will specify my meaning in that question; do you think that the result of making those women more healthy as you say, and of announcing to the men that they are more or less guaranteed as clean and healthy women, is likely to increase or decrease the amount of sexual indulgence on the part of the men?—In the first place, I must protest against any idea of announcing to the men that those women are healthy and safe to go with; when a woman under my care leaves the hospital we have nothing further to do with her; she is in every way a free woman. If she chooses to return to prostitution, that is her own action, and what the effect it would have upon the men may be, I do not know.

1587. Whatever the motive of the Acts may be, the effect is this, is it not: that a woman who goes from her periodical examination without being sent to the hospital, is understood by the men who consort with her to be free at that time from disease?—We know nothing of it. There are very few cases in which they know it. I have no doubt that one-half of the soldiers who come to Aldershot are not aware of the Contagious Diseases Act. They know nothing of it, at any rate, until the women tell them.

1588. If they do know anything of the Contagious Diseases Acts, they know that a woman when she has passed the surgeon was not diseased at the last examination?—Yes, but there is no proof that the woman, even if she had been examined and pronounced free from disease at the moment the doctor saw her, had remained so, and was at a given moment free from venereal.

1589. I am aware that it is no proof at all; but does not it seem to produce in the mind of the soldier a confidence in the probable healthiness and freedom from diseases of this woman?—As these Acts are decidedly meant to diminish the disease amongst the soldiers, most decidedly I should think it would have this effect: he would keep away from the solicitations of strange women whom he knew had not been under the Acts, and if he must make an idiot of himself, would choose out a woman who had been under the Acts. As I said before, prostitution is an inseparable companion to a camp.

1590. That may be, but I am speaking of the amount of prostitution and the amount of sexual indulgence, and my question to you is this: whether as the tendency of this arrangement is to make a woman more attractive, has it not a tendency to increase the amount of sexual indulgence amongst the men?—I do not think so; I do not think that any action of the Acts could produce that effect amongst the men; in fact, I think, on the contrary, with some of the sensible ones, for there are sensible men amongst them, it might have the contrary effect, and they would be more likely to keep quietly at their games in their canteen rooms rather than be seen about with such women, who, if more attractive, are at the same time less openly solicitous.

1591. This is a matter of course of speculation and opinion, but do you really mean to say that having seriously considered the matter, you do

Mr. Stansfeld—continued.

not think that an arrangement to secure the healthiness of a prostitute in a given district, where public notice, one may say, is given of the fact, is calculated to create either a well-founded or false confidence upon the part of the men, and to increase the amount of sexual indulgence? I do not think so for a moment. I think partly with you that they might have a little more confidence; but I certainly do not believe that it, as generally applied, increases the amount. Of course one must prove it, and I say that the disease has gone down in Aldershot amongst the men, for although the strength is not decreased there is less disease.

1592. Of course that is a matter of opinion on the one side or the other; the number of registered prostitutes in Aldershot now is diminished, is it not, in proportion to the number of soldiers?—Yes, the number of women has diminished.

1593. The number of men has varied, and the number of women has varied, but I understand you that the number of registered women at Aldershot is reduced in proportion to the number of men?—The number of women is reduced in a much greater proportion to the number of men.

1594. What I mean is this, that the per-centage of women to men is largely reduced?—It is, certainly.

1595. That would vary, of course, with regard to the number of men at Aldershot, from time to time?—There has been a steady reduction in the number of women, and there has not been a reduction in the general strength. Last year, and during the present year, of course, in consequence of the movement of the troops to the wars abroad, there were rather less than during preceding years.

1596. Clandestine prostitution, you say, exists at Aldershot?—It does to a certain extent, but I am informed, as I believe upon very reliable evidence, that it is not nearly so glaring a matter as it was some years ago.

1597. And you think on the whole that the amount of clandestine prostitution has not increased?—I believe that it has rather diminished.

1598. You are now speaking of Aldershot only, are you not?—I am speaking of Aldershot and some of the adjacent villages.

1599. But you are not speaking of other protected districts?—No; I can only speak with reference to opinions expressed by people resident in those districts, but as that has not come under my own observation, of course my evidence would be worth nothing as affecting them.

1600. If I were to tell you that there is no doubt that the result has been that clandestine prostitution had been stimulated in some other districts, you would have no answer to make founded upon your own knowledge?—I could not say that it had not.

1601. You wish to confine your evidence to Aldershot?—Precisely so.

1602. But although clandestine prostitution, in your opinion, has not increased in consequence of the Act, and you think it may have decreased, you have referred to that as one of the insuperable hindrances to the complete success of the Act?—As one of the hindrances.

1603. At Question 1372, you said, "I discovered many apparently insuperable hindrances to the success so earnestly desired;" you are not prepared, apparently, to admit to me that making

Mr. Stansfeld—continued.

making the women more healthy and more attractive increases the amount of sexual indulgence amongst the men?—I do not think it does.

1604. But you would hardly suppose, and you are not prepared to prove to this Committee, or state even an opinion, that the amount of sexual indulgence amongst the men has undergone a decided diminution, and that the soldier indulges less under the present conditions than he did before?—No, I certainly could not say that, that the soldier indulges less than he did before; at the same time I am of opinion that there are more steady men amongst the soldiers than there used to be.

1605. From what cause has that arisen?—I think that during the last few years, and as I take it a good deal in connection with the working of these Acts, there has been a great deal done to improve the soldier.

1606. You mean from causes relating to the general improvement in the condition of the soldier?—I do.

1607. And which could hardly be considered as inseparably connected with the administration of either of these Acts?—Not at all; but I believe that in many cases the soldier's attention has been directed to these Acts, and their moral influence on the women.

1608. We have got so far as that the number of women is reduced, but you are not prepared to speak of any distinct reduction of self-indulgence on the part of the men; my own opinion would be that their self-indulgence must have been stimulated; but you are not prepared to accept that view, you think that there is not much clandestine prostitution?—I do. I am decidedly of that opinion in the district which I represent; clandestine prostitution has diminished.

1609. Does not it inevitably follow from these facts, that each of those registered women must accommodate more men; is not that a consequence of reducing the number in proportion to the soldiers, and of reducing the number of clandestine prostitutes?—I am perfectly sure that a large number of these women afford intercourse to an almost incredible number of men; there is no doubt of that.

1610. And more so than before?—No, I do not think more so than before.

1611. Does not it inevitably follow that if some years ago there were more prostitutes than there are now, and a certain number of those women are in hospital and a certain number in prison, under those conditions everyone of those outside have afforded intercourse to a very large number of men?—There are some women who are utterly careless as to the number of men with whom they have intercourse; others are very different.

1612. Without reference to the proportion of numbers, what number of men would those women receive in the course of 24 hours?—A large number. There is no doubt that the answer that I gave before the Committee of the House of Commons more than 10 years ago, I think the last answer in my evidence, will apply now to not a few women.

1613. That they will receive how many?—More than 20 different men.

1614. Without going to those extreme numbers, how many would they frequently receive?—It depends altogether upon the amount of the fees the woman receives. A woman sometimes

0.116.

Mr. Stansfeld—continued.

becomes attached to a man who pays her well, and will almost, though not altogether, confine her amorous dealings to him alone, and such a woman would be very moderate in conferring her favours; but of course some soldiers are very moderate, and must be moderate, from scarcity of money, in their mode of payment, and consequently, especially with the older women, who would not be affected in the way that younger ones are, any number of men almost might have intercourse with them.

1615. The tendency of the Act has been, has it not, to increase the proportion of older women on the register as compared with young women?—I do not think so; certainly those that I have met with of late years have not comprised nearly so many young ones.

1616. Will you take it from me that the statistics show an increase of age on the part of prostitutes in the subjected districts, as I think you yourself have said that you find fewer young girls?—There are certainly fewer young girls. I hardly understood your question just then with regard to the increase of old prostitutes on the register. I thought you meant the number of registered women had increased. That convinces me of what I have often believed the truth of, that there are a certain number of those women who will never voluntarily give up prostitution, because they like it, and because they mean to pursue it. The number of old women on the register, I do not suppose, is larger than it used to be, but they are large in proportion to the younger ones. Many stick to their bad habits, and will not listen to your advice to go into Homes or desert the streets in some other way.

Mr. Bulwer.

1617. What is your definition of an old woman and a young girl?—They are called old when they get towards 30.

1618. And what would be the age of a young girl?—In the first pursuance of those acts we should get them in as young as 14. I have had under treatment more than one of 13, several of 14, and several girls of 15 and 16; I think I have two under my charge now who are 17. That is, I believe, the youngest that we have upon the register.

Mr. Stansfeld.

1619. With regard to the old habitués, I understand your evidence to be that they receive an inordinate number of men in the course of 24 hours?—Yes, they do. There are other reasons than those already mentioned for it; there is a certain class of women who spend much more lavishly than others, that is to say, they drink an excessive amount, and eat almost everything that comes in their way, whatever the cost; they are very lavish of their money, and therefore they have more men in order to satisfy their inordinate appetites.

1620. A reduction in the number of registered prostitutes in proportion to the number of men having commerce with them must tend to increase the *clientèle* of those women?—There can be no doubt of it.

1621. Will you refer to your answer to Question No. 1369, where you say at the end, "Now of course I must be understood as not saying that there are not enough women, because my object in having anything at all to do with the

I 4

Mr. Barr,

M.D.

21 July
1879.

Mr. Barr,

N.D.

21 July
1879.

Mr. Stansfeld—continued.

the measures taken for the eradication of the disease, is to diminish prostitution to the lowest minimum that is possible; but I merely speak of it in its sanitary light. That it is so cannot be disproved." I understand your answer to mean that though, as a moralist, you desire the diminution of the number of prostitutes and of the amount of prostitution, as a medical man and as a sanitarian, you are compelled to say that there are at Aldershot too few women for the use of the men?—That is coming it pretty strong. I intended to say this, that in a sanitary sense more disease is contracted where the women are comparatively few than in conditions similar with regard to the number of men where the women are in larger numbers. I do not mean to affirm by this answer, which probably was not carried far enough in explanation, that that is an evil requiring alteration, or that I should recommend the encouragement of more women. On the contrary, I should recommend that as an alternative the people who take an interest in the soldier should do all that they possibly can to lessen the amount of unrestrained sexual feeling in them. Let them know that by yielding to amorous propensities among a few, they are likely to be diseased.

1622. I take it, from the general tenor of your evidence, that you could not desire an increase in the number of prostitutes; but we are now discussing the subject more particularly from a hygienic point of view, and I understand that you would expect less disease at Aldershot if there were more women?—That is my belief.

1623. Do you happen to be aware that the generally accepted opinion in other countries is, that this is one of the difficulties of all those systems, that as you reduce the number of registered women so you increase the danger of disease from them, and as you stimulate clandestine prostitution, you increase the danger of disease from that source also?—I can answer that question partly in the affirmative. It was only this morning a gentleman, whom I did not know, met me in the corridor, and said very pertinently to me: "You take credit that you have removed so many women from the streets, and that you send them into Homes, to their friends and otherwise, altogether reducing the ranks of prostitutes; but if you say you want to eradicate the disease, are you not working against your own interest by removing those women from the streets?"

1624. That is one of the weak points, is it not, that is generally recognised, that if by the stringency of your regulations you reduce the number of registered and periodically inspected women, you produce two effects: that those women simply receive an unnatural number of men, or there is a tendency to stimulate clandestine prostitution under conditions which are favourable for disease?—I am not aware that you stimulate clandestine prostitution; on the contrary, as I have already said, I am perfectly satisfied that it has become reduced at Aldershot.

1625. The question which I put was, whether you are aware that this was the generally received opinion, so far as the authority of those foreign countries is concerned, and you are not prepared to answer that?—I am aware that it has been said so, certainly, by observers of the regulations in France and other countries.

1626. To pursue this hygienic question and

Mr. Stansfeld—continued.

condition of things, of course we are agreed that prostitution is a thing to be lamented, but this immoral condition of life, with this excess of use of women of which you have spoken, is not only immoral, but surely it is unnatural, is it not?—Most certainly; of course anything in excess must be unnatural. Of course, drunkenness is a miserable excess of daily occurrence, and if a prostitute chooses to confer her favours upon so many men, she is in excess in the same way as is a man repeatedly seeking intercourse with women.

1627. This which I call excessive unnatural user of women, leads to certain hygienic dangers; that I think you are agreed upon; one is the danger of mediate contagion, is it not?—Certainly.

1628. I think you have explained to the Committee what mediate contagion is; that is to say, a woman remaining free from disease is a medium of conveying contagion from man to man?—Yes, from man to man certainly.

1629. And that danger must be immensely increased, must it not, when you come to such unnatural conditions as a woman receiving 10, 15, or 20 men in the course of one night?—It would be increased certainly.

1630. And clearly very much increased?—Yes.

1631. Is there not another danger with that excessive user of those women, that in spite of all your examinations and precautions you will get an increase of disease amongst the women themselves?—When fresh troops come into a district the diseased men amongst them communicate venereal through connection with those women, especially with the younger ones, and they very speedily become diseased.

1632. My point is, that putting morality on one side, this excessive what I call unnatural amount of user of these women must be a source of danger and a cause of disease?—Yes, to both the soldier and the woman.

1633. Now as to the amount of disease amongst women; you have spoken of very bad cases of disease which first came under your notice in 1867 or 1868, but since the year 1868 that amount of disease amongst the women has rather increased, has it not?—Not numerically.

1634. The per-centage I mean?—Of course as the number of prostitutes has got reduced the larger per-centage occurs.

1635. You were good enough to hand me these figures which I hold in my hand; I find in the last column the average amount and the present ratio of diseases amongst the women; this applies to Aldershot, does it not?—Yes; that is a copy from the police return.

1636. I find that the per-centage of disease in 1867, leaving out decimals, was 325; in 1868, 317. I will put those two years, if you like, out of the consideration. Then I come to 1869, and I get the per-centage of disease amongst women 240, and I do not know whether it was evident to the Committee, but those figures mean, do they not, that, taking the average number of women upon the register, every woman would be in the hospital on an average nearly $2\frac{1}{2}$ times in the year, taking the year 1869, when the average annual per-cent. ratio was 240?—Yes.

1637. Taking those women at Aldershot, are there any, and what kind of proportion of women who pass through a whole year without coming into the Aldershot Hospital?—There are some.

1638. What

Mr. Stansfeld—continued.

1638. What kind of proportion?—Probably barely one-twelfth that would be free during the year, that would not come in at all, but I am not sure that so many would escape.

1639. But you give your answer subject to correction?—Yes, subject to correction.

1640. I find that in 1869 the per-centage was 240; in 1870, 206; in 1871, 246; in 1872, 272; in 1873, 316; in 1874, 283; in 1875, 284; in 1876, 322; in 1877, 312; and in 1878, 344; am I not right in saying therefore that the per-centage of cases of disease had increased amongst the women?—As the number of women has decreased they have become by comparison apparently oftener diseased, and as they are subjected to the fluctuations of the camp so they get speedily affected in that way. There are many women who are perpetually in the hospital. Women of certain peculiarity of constitution are more prone to the disease, just as there are others who are continually free who are never, or very rarely, in the hospital.

1641. But those figures are the figures of those entering the hospital, therefore they are not affected by the length of stay of certain individual cases?—Certainly many may be in only a few days, whereas others may be there a longer time.

1642. I mean that the average annual present ratio of admissions to the hospital of diseased women has increased of late years?—In proportion to the decrease of the women it has increased, and I must give you as a reason, first, that there have been causes in progress during the last few years in the Aldershot Camp that they were not exposed to before, by which the women are more frequently liable to being diseased; for instance, the Autumn Manœuvres of each year by importation causes a very considerable supply of disease, and many women to being taken into the hospital. In the first year of the manœuvres a large number of diseased soldiers came in, and a lot of diseased women came with them; and similarly every year during the summer drills. Last year this was particularly the case when the Reserves were in Aldershot; year after year there has been some reason for keeping up the use of a number of beds for the women. It often enough happens under such circumstances that I may discharge two or three young girls or young women who have a very light disorder to-day, and in another fortnight I may have to take them all in for a more serious disease.

1643. When was this Act first applied to Aldershot?—Partially in 1867.

1644. How soon was it applied completely?—It was not till 1869 that we had the number of beds that we found adequate.

1645. Therefore the Acts were first fully applied to Aldershot in 1869, and from whatever cause, am I not correct in saying that the average annual per cent. ratio of disease amongst the women had increased almost continuously from 1869 to 1878?—It is a fluctuating return; it does not subside certainly within the last few years.

1646. You said in your evidence the other day that very young women were a special source of danger of disease?—Yes.

1647. In fact, young women are more liable themselves to the disease?—Yes.

1648. The parts are tenderer, and they are more susceptible?—Yes.

0.116.

Mr. Stansfeld—continued.

1649. Therefore, whatever opinions people may have upon the subject of these Acts, it is quite understood by everybody familiar with the medical aspects of the question, that the existence of every young woman amongst prostitutes is a clear hygienic danger; that, I believe, is universally admitted?—Decidedly so; it is a danger to themselves. As you say their parts are tender and easily inflamed, and subject to quickly contract primary sores and discharges, attended with much pain, and probably more obnoxious to the soldier also.

1650. You say that their number has decreased?—Yes, the number of very young ones has decreased.

1651. What has caused that decrease?—I believe that, on the one hand, the Acts have had a deterrent effect in keeping very young girls out of the district, and from prostitution.

1652. Can you illustrate to me how the Acts have had a deterrent effect, because if they were prepared to follow a life of prostitution, according to your own evidence, they would not be deterred from submitting to examination; on the contrary, they would be rather willing to submit to it, although they might be somewhat careless about going at the proper time. How have the Acts deterred young girls especially?—Because very young girls would not like to come up for examination; they would not choose to be restricted. The young girls that came in a few years ago, I daresay, had an idea of going out of the neighbourhood just when they thought fit. We believe certainly the Acts are spoken of in the district as tending particularly to check prostitution in young girls, and if such persons are caught in the streets of Aldershot they will most probably be necessarily sent to the hospital, and they dread being placed under restraint.

1653. Your opinion is, that the existence of a system of compulsory periodical examination tends to deter very young girls from entering the profession of prostitutes?—Yes.

1654. You are not prepared, I suppose, to say that that is the only or best mode of deterring them?—Certainly not; in my evidence before the Commissioners, I said that I hoped particularly, that the application of the school boards in various parts of the country would assist those who wished to diminish prostitution, by bringing them into frequent contact with young girls, and it is very possible that they may have had some good effect. I do not mean to say that the Contagious Diseases Act have done all the good, but as to the young women, they certainly are, in Aldershot Camp, much fewer.

1655. You have read the Report of the Royal Commission, have you not?—Yes.

1656. Do you remember their recommendation with regard to very young girls?—I do not at this moment remember the exact wording.

1657. One of the recommendations of the Royal Commission was, with regard to girls of a certain age, and it was in these terms: "That girls under the age of 16, acting as common prostitutes, be sent to a home or industrial school for a period not exceeding two years, if they cannot be otherwise provided for to the satisfaction of a magistrate"?—That simply follows my own recommendation made in evidence before the Select Committee of the House of Commons in 1869.

1658. Therefore I am sure you would not hesitate to agree with me in the opinion, that if

K

Mr. Barr,

M.D.

21 July
1879.

Mr. Barr,

M.D.

21 July
1879.

Mr. Stansfeld---continued.

such a law were enacted, it would be a more efficient, and clearly a more unobjectionable, way of preserving those very young girls from prostitution than merely the existence and operation of the Contagious Diseases Acts?—Decidedly, as I have already said with regard to children of such an age as that, if you could put them into a home or school, it would be the best thing you could do for them.

1659. You have told us that at Aldershot clandestine prostitution has decreased, and that you have had no difficulty in carrying out the Acts, and in showing quite a willing obedience on the part of the women; if that be the case, what difficulty would you have in administering a law, the object of which would simply be severely to check acts of prostitution themselves, and to minimise the amount of prostitution itself; would you have any difficulty in applying such a law?—I have considered that matter very carefully, and was of opinion at one time that if lock hospitals could be erected in large places, and certain wards of ordinary hospitals made available for the treatment of venereal diseases, with certain penal aids, that such means might be made available, but after further observation, I am afraid not. I am afraid that in the check of disease and prostitution such a plan would be a poor substitute for compulsory examination. There is one aid that might be used, although there would be great difficulty in enforcing it. I think that where any one is known to be communicating disease, or having intercourse in a diseased state, they should be brought under some law for punishment.

1660. You have shown us how powerful the law is in your opinion, in preventing the increase of clandestine prostitution at Aldershot, and in keeping the registered women in order, and making them comply with the conditions of the law; I ask you if you had to administer a law, the object of which was simply the diminution of prostitution, whether that law could be made operative?—Certainly; there is a law made for the diminution of drunkenness, and there could be one made for the diminution of prostitution as a profession, but you would increase clandestine prostitution most amazingly, and probably soon have illegitimate children all over the country as a consequence of it.

1661. The result, in your opinion, would be that it would largely stimulate clandestine prostitution?—Yes.

1662. That is precisely a consequence which according to the general experience of other countries is found to follow from the operation of this system, and from constantly reducing the number of women on the register; do I understand you therefore to be of opinion that if you were to carry it very far, you would stimulate clandestine prostitution?—I may state this, that if prostitution were not in some manner, I was going to say winked at or recognised as an unavoidable evil, without putting too fine a stress upon it, it would increase clandestine prostitution.

1663. Therefore the mere decrease in the number of registered women is no evidence of a decrease in sexual indulgence, and perhaps of prostitution at any particular moment?—I do not say that it is; I have already said, that where there is a large number of soldiers, there is not, at least so I am informed, the indulgence of immoderate sexual enjoyment there used to be.

Mr. Stansfeld---continued.

1664. You have expressed a hope rather than a belief to that effect, but I presume you would not be prepared to say that the reduction which we observe in the number of registered prostitutes at Aldershot was any evidence of a reduction in the amount of sexual vice amongst soldiers?—You see you cannot speak of Aldershot as you can do of a similar town that is isolated. We have not a stationary population, but a constantly fluctuating one, so that if there be regiments of fairly steady men here to-day, the next lot might be of quite a different character; it would depend upon the difference in ordinary inclinations of the men, and, with a fluctuating population, you cannot answer for the tendency of any.

1665. Therefore you cannot say that a decrease in the number of registered prostitutes is evidence of a decrease in the amount of prostitution?—Only in certain cases.

1666. You have spoken of the apparently insuperable hindrances to the operation of the Acts, and amongst those you have said in answer to Question 1384, that “the great drawback is the limited area of operation”?—Certainly.

1667. And in answer to Question 1398, you have said, “I think that all military depôts and garrison towns should be placed under the Acts. I think that there should be some law or other for the purpose of controlling prostitution and preventing disease in all places, but the Acts as they are, should be applied to all garrison towns or places where there are numbers of soldiers”; and you have answered that same question from an honourable Member to-day; am I right in interpreting your answer in this sense, that you consider that to secure the objects which these Acts have in view, in their present form their application should be extended to all military depôts and garrison towns, and that they should then have an Act something like the Act of 1864, but with additional powers of compulsory detention in hospital of women, applied to all other parts of the country; is that your view?—Just so.

1668. And without those extensions you do not think that the Acts could meet with that complete success which you would desire them to have?—Decidedly. I think that the very great success that we all wish to see, is, to a very great extent postponed, to say the least of it, in consequence of disease flourishing unchecked in so many places to which I should wish the Acts to be applied.

1669. Therefore you distinctly are of opinion that if the Acts are maintained they must be extended?—I think they should be extended, although they have done a great deal of good, limited as they are, I am perfectly sure, but to effect more good they should be extended.

1670. These are the main objects which these Acts have had in view; the first is the increasing of the efficiency of the army and navy; that is one object, is it not?—Yes.

1671. And then there is a distinct object, that of stamping out, or if not of stamping out, a very great reduction of constitutional disease?—Yes.

1672. Which of those two objects is the most important?—Of course the constitutional disease, which we dread, is one which we have to treat, but in order to stamp it out, we must not wait until that is developed,

Mr. Stansfeld—continued.

veloped, but detect and cure the primary sores, otherwise the major disease is sure to progress.

1673. We agree that the Acts have two objects in view, the first object is the increase of the efficiency of the army and navy, and the second object is the reduction of constitutional disease; my question is which of those two objects is in your mind the more important?—They must go together.

1674. Will you kindly answer my question; which in your mind is the more important?—As the tendency of the Acts is towards the increase in the efficiency of the men by the diminution of disease, of course that is the great desideratum.

1675. We have had some evidence of what that amounts to, and it is a question of a few hundred men at most, one way or another; do you compare the importance of their efficiency or non-efficiency with the importance of diminishing the amount of constitutional disease throughout the country?—The efficiency of the army and navy is decidedly influenced by the amount of venereal disease that may be rife amongst them, and their efficiency is decidedly impaired by its presence.

1676. No doubt, that is so, but that does not affect my question; which in your mind is the more important object?—There is only one object in applying the law to camps and garrisons, and that is the efficiency of the army and navy; if you put the question in another way, I could better understand it.

1677. I will try and make you understand; I do not think, as far as I have followed your evidence, that you really have the opinion; and surely it is not your opinion that the only object that we ought to look to is the efficiency of the army and navy; is it not also your opinion that, putting the efficiency of the army and navy for a single moment out of the question, it is of great importance to the community to reduce the amount of constitutional disease?—There is no doubt of that.

1678. Do you not see that those are two distinct objects?—I cannot see that they are, speaking of the object of those Acts, viz., to maintain the efficiency of the army; and a factor against the health and usefulness of the soldiers is the presence of a certain amount of disease; am I right in understanding you in that way?

1679. But you are ignoring one of the objects of this legislation, one of which was to improve, if possible, the efficiency of the army and navy, but another and distinct object was to reduce the amount of constitutional disease in the country?—Decidedly, as one of the factors impairing the efficiency of the army and navy more particularly.

1680. Not merely as bearing upon the efficiency of the army, but as bearing upon the question of the health of the country?—True, I mistook you; I thought you were referring entirely to the army.

1681. I say that there is one object, which is confined exclusively to the army and navy, and that is the promotion of efficiency, and, if you like to add, the reduction of disease by different methods, and the other is the reduction of constitutional disease in the country itself?—Quite so, I did not understand the purport of your question before; but of course those Acts are intended to protect the civil population as well as the military.

1682. Nothing can be more important, surely,
O.116.

Mr. Stansfeld—continued.

than the reduction of constitutional disease?—Decidedly so.

1683. And in that second object of reducing the amount of constitutional disease, the whole country is as much interested as any portion of the army?—Yes, of course, it is a very important object, in which the whole world is interested.

1684. And therefore to accomplish that object you must extend the Acts as you yourself have said, or some similar legislation, must you not, to the whole country?—That, certainly, any one can see, who has at all considered the subject.

1685. And from that point of view surely it follows that there is no justification in the restriction of this legislation to its present limited area?—No justification whatever, inasmuch as a great amount of disease that we meet with in the camp comes from those very towns and places we should like the Acts to be extended to.

1686. To accomplish this purpose of dealing efficiently with the amount of constitutional disease, must you not examine men as well as women?—I do not see that that is so necessary among civilians. At certain times I think most decidedly that soldiers should be examined. For instance, I think you should examine the men at stated intervals, and one very good result of the detection of disease before it had existed long, would ensue from such examinations, there would be fewer cases of constitutional syphilis.

1687. It stands to reason, does it not very much, that in the case of diseases which are the product of the contact of persons of different sexes, you cannot, as a medical man, expect to produce a great and permanent impression upon the amount of disease, if you confine your examination to one sex only?—There is no analogy between the two. A woman gets her living by it. She is bound, if she adopts prostitution as a living, to keep her person clean, and submit to proper inspection, for if she is diseased, more mischief is propagated by one woman than could be by 100 different men.

1688. I am putting not a moral, but a hygienic, question; the men also disease the women, do they not?—They do, but not in the same proportion.

1688*. If the men disease women, I ask you, as a medical man, whether it is logical or rational to expect that you can produce the great results which you wish to produce in the reduction, if not the extirpation, of constitutional disease unless you had an examination of the persons of the men as well as of the women?—I do not hesitate to say that with a certain class of soldiers, sailors, and others, who are known to frequent brothels, and have intercourse with women, they should be regularly and carefully examined. I have always been of that opinion.

1689. I presume you do not extend the same to the civil population; they would be saved from any inspection of that kind?—The civil population are in a different position altogether to soldiers; soldiers lead celibate lives: they are young and often exposed to temptations which civilians are not, and there are women everywhere on the look-out for them at an age when their passions are rife.

1690. I am speaking of men, whether they are soldiers or civilians, who do consort with prostitutes; and I am putting to you the question simply as a medical man, do not you consider that,

Mr. Barr,
M.D.

21 July
1879.

Mr. Barr,
M.D.
21 July
1879.

Mr. Stansfeld—continued.

that, to ensure as far as possible the reduction of constitutional disease, the men who consort with those women should be examined, and not the women alone?—My opinion is this, there should be some law directly affecting people who have intercourse when they are in a state of disease. If men are known to be frequenting brothels, and probably are not content with that, but have connection with some woman who is not a loose character, and she becomes diseased, I think any man guilty of such conduct should be examined, and treated as you treat the women. I would compel them to be under treatment: I do not mean to say in a Lock Hospital, because they can be attended to at their own expense solely in their own homes, and they should prove cured men before having complete liberty.

1691. I want to ask you something about the nature of those diseases, and the possibility of detecting their existence as easily and as certainly as you have expressed a belief is possible; how often do you hold your examinations at Aldershot?—Once a fortnight, or oftener if necessary, but once a fortnight as a rule, each woman is examined.

1692. Do you mean that there is only one examination in each fortnight, or do you take the women in relays?—I have two days a week, but, practically, I examine any day of the week that they like to come, that is to suit the convenience of the women; once a fortnight each woman would be examined.

1693. How many women would you examine at one time?—The number having gradually reduced, it is rare that I examine in one day more than 30 or 35 people; less than half the number that I used to.

1694. How long would that examination take?—My examination lasts from 10 till one o'clock.

1695. You have given it as your opinion, that a very few cases of disease will escape detection, and that those were not the serious cases, and that in the case of women in that condition, that are infected with syphilis, it would be almost impossible for you to be deceived; that is the effect of your evidence is it not?—That is my opinion.

1696. But what is the nature of the examination that will enable you to express so confident an opinion, that a woman whom you have examined is not diseased?—In the first place, she sees me every fortnight, and if she were infected only recently, some signs of it would certainly be shown; but of course, if I examine a woman to-day, and there should be any incipient symptoms of disease in her which by any means escape my notice at the time, when I see her again in the course of a few days, they would manifest themselves, and she would be confined to hospital.

Mr. Bulwer.

1697. You are now speaking of syphilis and gonorrhœa?—Of all kinds of disease.

Mr. Stansfeld.

1698. If she escaped the first fortnight you say, she would not escape the second time?—Certainly.

1699. What is the nature of the examination which enables you to detect disease?—A general inspection of the person, and particularly of the generative organs with proper aid.

Mr. Stansfeld—continued.

1700. What do you mean by proper aid?—Instrumental aid.

1701. That is to say, an instrument which is called a speculum?—Yes, it is a speculum; but there are various kinds of instruments to suit the circumstances of the case. There are different arrangements of them, and different designs. I have one of my own special design; they are usually made of metal, and some are made of glass, but I believe that every medical man has his own choice, and uses the instrument he likes best.

1702. The object of the application of this instrument is to enable you to effect what I may call a complete introspection of the parts which might be affected?—A complete examination. A very clear light is thrown from the plate of what we call the speculum, and the state of the mucous coats and lining of the parts in the interior is shown to you.

1703. And that is shown to a sufficient extent, in your opinion, to enable you to detect the evidence of disease?—Yes, certainly, and with other aids.

1704. You have said, in answer to Question 1435, that when a woman comes into the examining room, the nurse puts her into a position ready to be examined, and then you examine her; what is that position?—Her position is this: there is a kind of couch, very similar to what you see in the operating rooms of the various hospitals; the woman places herself on that couch in the position most convenient for me to examine her.

1705. Your answer to that question was that she was placed in the position in which you would put an ordinary patient; what is the position in which you would put an ordinary patient?—That would depend upon what was the matter with her. If an ordinary patient had any affection of the parts affected by primary sores and gonorrhœa I should put her in this position; she would be placed on her back with her knees raised.

1706. Without reference to the question whether that is the usual position, at Aldershot, from what you have said you do not in your own practice use a chair?—No, this is more convenient, and it is more easy for the woman, and more effective in examination; it is more suitable in every way.

1707. In your opinion it is not necessary to use the chair?—No.

1708. With regard to the opinions which you have expressed, that you can ascertain and determine that such-and-such a woman is free from disease, I will take first cases of gonorrhœa; let me put a question to you which I put some time ago to Sir William Muir; is not gonorrhœa more an inflammatory condition of the mucous membrane of the urethra attended by a discharge?—That is as applied to the male; it is not so as applied to the female generally.

1709. What is it as applied to the female?—The inflammation produces a special discharge affecting the whole lining of the canal of the vagina, and in some cases extending into the womb, and from the womb to the adjacent organs, the urethra being often similarly affected.

1710. And, according to its severity, she may have urethritis or balanitis?—As a rule in a woman gonorrhœa is found to attack the vagina-uterus and vulva.

1711. Did not you tell the Committee that gonorrhœa

Mr. Stansfeld—continued.

gonorrhœa was easily concealed by a man?—No, I did not.

1712. I suppose it is not difficult for a man to conceal gonorrhœa?—That depends. If there is a simple discharge without pain and without inflammation of the parts, he may conceal it.

1713. Coming to the case of women, is it not the case that if the woman applies a vaginal syringe shortly before examination, she will easily escape detection?—No, I do not think so; that depends of course upon the character of the gonorrhœa that she has. If you have a young girl, for instance, or a young woman, who has not been long a prostitute, you will find that the mucous membrane will put on a severe form of inflammation, and that the discharge as it escapes will excoriate the parts and cause her a good deal of pain. She may in that case use an injection, and for a few minutes denude the coats of the discharge, but that is all that she can do, the discharge would soon return, and the membrane resume its congested appearance.

1714. With regard to the old habitués, of whom the majority of the women consist, they would be able, would they not, by the application of a syringe, to have a considerable chance of escaping detection?—If they were affected to any extent, they certainly would not, because gonorrhœa brings on symptoms in a woman very apparent even if they are the older ones; very often there is some swelling of the parts; and certainly, if the discharge is purulent, it can only be for a very short time that they can disguise or hide it. Of course, there is a discharge that is brought on by excessive sexual intercourse, which is chiefly mucous, and not purulent, and which they may get rid of, but if I saw that, I should not detain her for it, because it would not be gonorrhœa.

1715. With regard to those discharges, whether syphilitic or gonorrhœal, the opinion which you have expressed is not, I think, the universal opinion of the profession?—I cannot speak for anyone but myself, and those who, like myself, have had a great deal of experience with these women.

1716. Are you not aware that amongst the writers on venereal diseases, there is an opinion entertained by men very great in the profession, that it is very difficult to ensure certain detection under those conditions?—I am aware that several men of intelligence have doubted whether you could in a very great many cases detect it. I can only speak of my own observation in the case of women who are getting a living by excessive sexual intercourse, and who from impure connexions are subject to those diseases. I don't think you could be mistaken except in a very few cases.

1717. Surely the habitué, the woman who receives a great number of men, and who has long been accustomed or trained to deal with her person, so as to diminish the chances of infection, is a person who is not less likely to escape detection?—I certainly cannot remember any case of the kind that specially struck my attention. As I said before, I am not so vain and self-confident as to think that no case ever escapes me. I should be very sorry to say so, but I do say that no case of ulceration, indicated sore, or contagious discharges from the membranes of those women, if at all perceptible would escape me. Some women do not get those discharges so bad

0.116.

Mr. Stansfeld—continued.

as others, nor so frequently venereal sores, as their mucous membrane by excessive intercourse and former disease has become simply like their skin.

1718. You know the work of Dr. Lancereaux on Syphilis?—I have in the course of my practice read his works.

1719. In page 275, in the edition of 1869, I find these words:—"Moreover the too great number of women to be examined, and the little time which it is possible to devote to each of them, are disadvantages which tend to render our sanitary measures to a great extent illusory. Let us add, that as the examination takes place shortly after the arrival of the women at the dispensaries, they do not fail always to remove, by washing and astringent injections, the product of secretion indicative of the contagious lesion. Under these circumstances only a comparatively slight security is ever obtained"?—That, of course, is an opinion of which I am thoroughly aware, and I agree with him in so far as this, that if there are a very large number of women examined in a very short time, the probability is that some of them might escape, because you would not have time to examine them; but I am speaking for myself, that in three hours I can examine 30 women, and can make myself assured whether they are free from disease or otherwise.

1720. In many of the subjected districts the number of women to be examined would be greater?—Yes.

1721. And, perhaps, the time not greater?—I do not know that; probably where the numbers were great, more days in the week would be needed in which the examinations were held, but I am not sure it is the case.

1722. I take it that we have got thus far at any rate, that it is impossible in any absolute sense to guarantee the freedom of those women from gonorrhœa?—I think in 90 cases out of 100 you might guarantee them free from gonorrhœa, at any rate, at the moment of examination.

1723. On the first or second examination?—On each examination.

1724. Just to come back to the men for a moment, is there not a chronic state of gonorrhœa which is painless and without inflammation, and which may last one or two years, during which a soldier may continue his connection with women without pain or inconvenience to himself, and thus infect them?—There is a state, undoubtedly, of what you may term chronic gonorrhœa, but in many cases I do not term it chronic gonorrhœa. I think that it is simply a discharge produced by excessive intercourse, and an unnatural secretion from the mucous membrane of the uterus, which is not so contagious as the other. Of course in the examination of a woman you would see the nature of the discharge. It is of women I am speaking.

1725. I am speaking of the man, and I want to know whether there is not in men a chronic state of gonorrhœa, which is painless and without inflammation, and which may last a year or two, during which they will continue their intercourse with women?—I am afraid I misunderstood the right honourable Member's question; there is a disease called gleet from which men suffer, and I believe that there is a very divided opinion with regard to it; a good many men, and some of eminence, say that it is not contagious, others

K 3

Mr. Barr,

M.P.

21 July
1879.

Mr. Burr;
M.D.
21 July
1879.

Mr. Stansfeld—continued.

say that it is contagious; I have myself been asked by men suffering from such a form of discharge, whether they might safely have connection with their wives, and I have always said no, certainly not, from a double motive.

1726. However there is that condition in men which may last a considerable time, and you are not prepared to say that that is not a condition in which they may not infect women?—I am not prepared to say that where a man's urethra is charged with a purulent secretion which would indicate some fresh inflammation of the urethra, that that would not be contagious, and I should never recommend any one to have intercourse with a female, a virtuous female especially, whilst suffering from any discharge from the genitals.

1727. What I mean is this; we will take the soldiers in Aldershot; there would be a great number of soldiers in that condition who would have commerce with the women, and who might infect them?—That may be so.

1728. And the larger the number of men whom the women receive of course the greater risk there is of their being thus infected?—Decidedly, there is a strain on the genital organs which makes them more sensitive and active channels for the reception and spread of the malady.

1729. It has been shown that the principal reduction obtained in the protected districts has been in primary sores, and up to Lord Cardwell's Order in 1873, it was the opinion of the medical department of the army itself that no effect had been produced upon gonorrhœa; and those facts, of which I have just been speaking, would go a considerable way, would they not, to explain the difficulties in reducing the amount of gonorrhœa?—I believe, myself, that with soldiers there really is some difficulty as concerns gonorrhœa, for supposing them to be sent out apparently cured from the hospital, the tendency is to go to the first public-house and drink, the result being most probably to incite the discharge again, and produce a relapse; so that it is very probable that a number of noted cases of gonorrhœa may be admitted into hospital under such circumstances, and that they are really relapses; in fact, I know it is so; they are not fresh infections.

1730. No doubt they are chronic cases?—They become so by the soldiers neglecting themselves.

1731. And during that time they may infect women?—Yes, they may infect women, if, as I say, a certain condition is produced by it; that is to say, if inflammation of a specific character is present, and the discharge becomes purulent, then it becomes contagious.

1732. Such circumstances as those tend to explain the fact, that the amount of gonorrhœa does not seem to have been affected at the period of Lord Cardwell's Order?—Precisely so; it had got reduced somewhat, certainly, at that date, but not much.

1733. These things go more or less to explain the general result which is admitted by the Army Medical Department?—I understand that the War Department have recently expressed a view which we cannot overlook.

1734. In the army records, are there not many cases put down as primary sores which may be, may they not, mere abrasions?—I do not think a mere abrasion would be a question of a primary

Mr. Stansfeld—continued.

sore; a simple abrasion, I should rather fancy, would be placed under balanitis.

1735. Supposing that there is a small percentage of mere abrasions having no venereal character of that kind, we will put them on one side, and then we will take the other cases; of those cases I think you told us, did you not, that two-thirds are not truly syphilitic?—Two-thirds decidedly have a local contagious character; I am told so by the army surgeons.

1736. That is to say, that two-thirds are not constitutional?—Two-thirds of them, generally speaking, expend their force locally either on the parts which are originally affected or the nearest glands, but, of course, they may be exceedingly severe.

1737. Let me try and see if I understand the distinction between those cases. The first case is merely local, that is, what you would call a soft chancre or a superficial local non-infecting sore?—If we call it a soft sore that would more meet my approval.

1738. Those are the terms which you applied, are they not?—Yes, but you cannot call a sore that takes on the character of phagedœna, or goes very deeply into the tissues a superficial sore, a great number do not go deeply into, or beneath the skin, but neglected cases, or severe forms prove very destructive.

Mr. Bulwer.

1739. Do you accept the epithet of "non-infecting"?—I am bound to believe that there are a class of sores that do not infect; at any rate, they are not so likely to infect. There are two schools of belief in this question, one containing men of great eminence, believe in what is called the unicist theory, that is, that all sores, soft or hard are productive of syphilis; that there is no difference in them really further than local irritation, or some such cause can produce; and there are others who believe in what is called the dual theory, who state that there are two different kinds of sores, the one is a true infecting sore, producing syphilis, and the other is a local contagious sore.

Mr. Stansfeld.

1740. What you call the dual theory is the more generally accepted theory amongst medical men, is it not?—It is.

Mr. Bulwer.

1741. What is the distinction between an infecting sore and a contagious sore; do you say that a non-infecting sore is distinct from a contagious sore?—An infecting sore is contagious; but an infecting sore is the initial lesion of constitutional disease, a specific virus, with a series of active symptoms in the constitution manifests itself; a contagious sore is one which expends its force locally, or nearly so, but it does not produce any train of symptoms as syphilis does; syphilis produces an eruption, or I may say, series of eruptions on the skin, and gradually produces deposits into the tissues if left alone, and in every portion of the body produces its own particular manifestation; that is what I mean by an infecting sore.

Mr. Stansfeld.

1742. Take the case of non-infecting sores; are these cases, upon the average, more severe than

Mr. Stansfeld—continued.

than gonorrhœa cases as to the duration of the disease and the consequences of it?—Both diseases, both gonorrhœa and those sores, are very often attended with serious consequences.

1743. Taking a non-infecting sore; what I want to know is, whether the average of those cases is, or is not, more or less serious than ordinary gonorrhœa?—I believe myself, that taking a contagious sore as a non-infecting sore, the one is almost as bad as the other; they are both very dangerous things; take gonorrhœa, for instance, it might produce stricture, which every one knows will make a man's life miserable, and shorten his days.

1744. Your answer is, that those cases of primary sores, when they are non-infecting, are to be classed with gonorrhœa, neither more nor less?—I do not say that at all. To take a simple sore, healing favourably, could hardly be a fair comparison, because a sore may take on a phagedœnic or sloughing process, and cause a great destruction of the tissues. It does sometimes happen that men from the neighbourhood come into the district under the idea that they can come into the Lock Hospital with advanced specimens of those very sores. It was only the other day a poor fellow made his way from Sunninghill into the district, and asked the policeman if he could not be taken into the Lock Hospital; the policeman referred him to me; I can only state that the whole top of the penis was eaten off by one of those soft sores; it had been going on in this shocking process for three months; therefore I cannot put such cases against gonorrhœa, further than this, that gonorrhœa may produce stricture, or something that will affect a man during his whole lifetime, and a sore may produce a destructive process, which may perhaps make a man miserable for life, also by unfitting him for marriage or sexual action.

1745. I will take primary sores which are non-infectious, on the one hand, and cases of gonorrhœa on the other; which of those cases are the more serious from the point of view of the efficiency of the army?—Soft sores, I believe.

1746. Do those cases remain a longer time on an average in the hospital?—I think it would be better for you to ask a military surgeon on that point; I have not received this year a table of the duration of their treatment, and I am not prepared to answer it.

1747. Are you sure that syphilis, the true infecting sore, is invariably followed by secondary symptoms?—Yes.

1748. Am I right in saying that it invariably follows, supposing the first attack is treated?—In my opinion, it is so.

1749. That is what you call a hard chancre?—Yes, in a man most frequently.

1750. Is it not a hard chancre in a woman?—In a woman who has sores, you generally see that they bear the character of soft sores; of course there are some cases where there are well marked specimens of indurated sores, but the large majority of the sores upon women or on prostitutes, at any rate, that produce syphilis, are of a soft and ulcerating character.

1751. You mean that they are the true infecting sore?—The sore that is followed by syphilis in women is a soft sore, and there is very little induration; and that may be because it

0.116.

Mr. Stansfeld—continued.

has been more or less irritated by uninterrupted sexual connections.

1752. I suppose it is to be distinguished by a medical eye from a non-infecting sore?—Yes, by a train of additional symptoms; it is generally of the character of an open ulcer; if you take it up with your finger, you may find some basic hardness in it, and the virus reaches the glands in the groin, which become indurated and enlarged.

Mr. Bulwer.

1753. You did not answer the question as to whether those primary sores were not always followed by secondary symptoms?—I intended to say, that where a woman is early treated, she has often been prevented suffering from perceptible constitutional symptoms, and that when so treated, the sore has healed, and the severer forms, at all events, were entirely absent; in fact the woman was made a cure of in a short time, in consequence of being put under treatment early.

1754. How about the men?—Of course army medical surgeons could say more about them than I can as to the result of their treatment.

Mr. Stansfeld.

1755. Although where primary syphilis is treated in time, secondary symptoms may be diminished in their severity; yet it is the general opinion, is it not, that it is almost invariably followed by secondary symptoms?—That is my opinion, that the constitution is to some extent affected, and of course the very fact of the glands being indurated, shows that the constitution is affected, but by being treated early, I believe that urgent symptoms may be prevented, and the patient may get better without suffering from severe eruptions, or other forms of bodily illnesses.

1756. If what you have just now stated be medically true, if there is really no reduction in the secondary syphilis, there is no reduction in the true primary syphilis?—There is a reduction in secondary syphilis in Aldershot Camp, and among the women.

1757. I said if there is no reduction in secondary syphilis, there is no reduction in true primary syphilis?—As I said before, the word "primary syphilis" is applied to two forms of the disorder.

1758. I mean the true syphilis, not the pseudo syphilis; if there is no reduction in the amount of secondary syphilis, it follows that there has been no reduction in the amount of true primary syphilis?—By no means; not at all, because the secondary disease may be of years duration; I mean to say this, that we may have a regiment of men, or a number of men, coming into the camp to replace soldiers leaving, affected with secondary syphilis that they had contracted years before. A man may be subject to relapses year after year.

1759. You must make an allowance for the fact that secondary syphilis may break out repeatedly during a soldier's career, which of course is limited to a certain number of years, but making that allowance, the amount of secondary syphilis is an accurate indication of the amount of true primary syphilitic sores?—That is making a very reasonable allowance, and it would go to explain a very great deal; of course it

K 4

Mr. Barr,
M.D.

21 July
1879.

Mr. Barr,
M.P.
21 July
1879.

Mr. Stansfeld—continued.

would be nonsense to say that we do not find that the cure of the primary sore, timely taking it under treatment has lessened the amount of secondary syphilis, that is very true, but the actual amount of secondary syphilis I do not believe to be any real explanation of the primary sore, or the condition of it, or reason of its decline or otherwise.

1760. If you took a long series of years, say 14 or 15 years, and you did not find any decrease of secondary syphilis, would not that dispose you to think that you had not succeeded in reducing the amount of true primary syphilis?—If the people subjected to the influence of these Acts resided in the place the whole time, I should; but when they come as they usually do, from unprotected places, constantly changing, one filling the place of another, an opposite opinion naturally occurs. This fluctuation in numbers prevents, I take it, on this subject, any reliable information for a good many years.

1761. That is as applied to that particular station; but I want to repudiate the application of the argument?—There is another point of view: secondary syphilis is reduced at Aldershot. I find that taking them in the way I think that you and other eminent statisticians do, that is in groups of years, in the first seven years before the Acts, secondary syphilis rose to 34 in 1,000. Taking the next seven years after the working of the Acts, it was 25 in 1,000, and taking the last five years it was 21·60, so that there has been an evident reduction.

Mr. Cavendish Bentinck.

1762. Are those in the protected or in the unprotected districts?—That is in Aldershot.

Mr. Stansfeld.

1763. Which is easier to discover in a woman, a non-infecting or an infecting sore?—As I have said before, in a woman, probably from having such frequent intercourse, those sores are infecting, which have the appearance of open ulcers; they are irritated too much to favour deposit, and bear the character of only soft sores, and of course can be seen. If it were an indurated sore, unless it were fairly developed, it would not be so easy of detection as a large, painful, inflammable sore, as a non-infecting sore often is; but at the same time one looks carefully to see if there is any disease, be it ever so scantily developed.

1764. You recognise the authority, do you not, of Dr. Aitken's work on the science and practice of medicine; that is a work of authority, is it not?—Yes.

Mr. Stansfeld—continued.

1765. Who is Dr. Aitken?—He is professor of medicine in the Army Medical School at Netley.

1766. In the first volume of his work, in the edition of 1872, I find these words, "Medical inspections tend undoubtedly to greater personal cleanliness, and may be the means of detecting soft chancres, and so may prevent their being communicated; but the infecting sore, the true syphilitic one, can rarely be detected in a female"?—I do not agree with him.

1767. I do not know whether it is within your knowledge or recollection that after the passing of the Act in 1866, Mr. Simon, who for many years was medical adviser of the Government in all matters concerning the civil population, was consulted upon the question of the extension of those Acts to the population at large, and he addressed a letter upon the subject to the Privy Council, of which he was then an officer, and I find in it these remarks: "I believe it to be the fact, that, even under strict systems of police, prostitutes in very large proportions escape the intended supervision; and that, in their evasive traffic, so large a dissemination of venereal diseases may be kept up as to leave in net result very little apparent success to be boasted of. Let it be assumed, however, that, in any place where circumstances are favourable, 'venereal diseases' in mass may be greatly reduced under such a system; but there remains as an unfortunate accident of the case, that this reduction might least of all affect those sorts of diseases in which society is incomparably most interested; and in the absence of exact records on this point, expectation ought, I think, to be very moderate. For the various local states which most habitually spread the infection of true syphilis, are apt to be in themselves such slight and painless affections, as almost or entirely to escape the patient's notice, and indeed, in women, primary syphilitic ulcers, and other local states capable of infecting with syphilis, not only very often pass unnoticed by the patient herself, but have often been overlooked in examinations made expressly for their discovery"?—I can only agree with that to a very slight extent.

1768. With regard to your answers to Questions 1394 and 1395, as to the number of women restored to their friends or placed in homes, I will not put the questions to you which I should have desired to put to you as to the agencies by which those restorations have been effected, after the intimation from the Chair, that it is not advisable to pursue that branch of the subject?—That was a voluntary statement of the agencies that are employed.

Thursday, 24th July 1879.

MEMBERS PRESENT:

Colonel Alexander.
Mr. Cavendish Bentinck.
Mr. Burt.
Sir Henry Holland.
Sir Harcourt Johnstone.
Mr. Kavanagh.

Mr. Shaw Lefevre.
Mr. O'Shaughnessy.
General Shute.
Mr. Stansfeld.
Mr. John Tremayne.

THE RIGHT HONOURABLE G. A. CAVENDISH BENTINCK, IN THE CHAIR.

Mr. JOHN COLEMAN BARR, M.D., called in; and further Examined.

Colonel Alexander.

1769. REFERRING to Question 1516 put to you by the Right honourable Gentleman the Member for Halifax, as to whether you have now, in consequence of the Acts, a better class of women, or whether the same women have become improved in the hospital; Aldershot is not a place, is it, to which the better class of women would be likely to resort in any great number?—It is not. In the first place there are no, or very few, proper lodgings for them; in fact, that is the leading reason why it would not be a place for them to resort to, except in a limited number.

1770. Therefore your evidence given last week in answer to questions put to you by the Right honourable Gentleman in the Chair, has reference to an improvement in the existing class, and not to the immigration of a better class?—Decidedly to the improvement of the women existing in the camp, and to others who come in for the purpose of prostitution, and who, after being exposed a certain time to the influence of the Acts, do not fail also to show a much better condition.

1771. You have none of that low class known at Aldershot as wrens and bushrangers?—No, there are no such women as would represent that class now, with some very occasional exceptions.

1772. Let me direct your attention to Question 1529, put to you by the Right honourable Gentleman the Member for Halifax, as to the supposed willingness of women to enter the hospital; it may very well happen, may it not, that they are willing enough to enter the hospital during the painful stages of the disease, but they soon become weary of the restraint to which they are subjected in hospital, and are anxious to be discharged?—Decidedly so; the reason for their wishing to enter the hospital is to obtain relief from their disease in its painful stage, but they soon show the wish, in spite of that eager submission, to enter upon their own conditions; that is, to stay in just as long as they like, and to discharge themselves when they think proper, whether completely cured or otherwise.

1773. The great object of the periodical examination of women is to enable you, is it not, to detect and to treat the disease in its earlier stages?—That is so. The great object is in the first place to detect the disease, and then having detected it, to at once resort to medical treatment, and not to let the patient leave the ward until cured.

O.116.

Colonel Alexander—continued.

1774. Your early experience of what is known as the voluntary side of the Lock Hospital in London, will probably enable you to say that without that periodical examination women would for the most part not enter the hospital until in an advanced state of disease?—I believe that 99 out of 100 who were patients on the voluntary side of the London Lock Hospital came in in a state of the greatest despondency, having been diseased in some cases for years; many of them had attempted at home to cure themselves, and had got into a state of utter poverty, having spent every farthing they possessed to obtain relief unsuccessfully. In fact, as I say, 99 out of 100 had been diseased for a long time, and they only came there when they had failed in their efforts elsewhere.

1775. There was a marked difference, was there not, in the condition of the women on the Government side and those on the voluntary side of the Lock Hospital in London?—There was a very speedy change in the condition of those on the Government side. When they first came, of course there were among them cases as bad as those on the voluntary side of the Lock Hospital in London, but after being under the influence of the Acts for some time they showed a decided modification in the condition of the disease requiring a shorter duration for treatment, and much less painful symptoms.

1776. Are you able to say when you were at the Lock Hospital in London that you observed any alteration in the character of the disease among the women sent from the protected districts?—There was an alteration, decidedly. In the first application of the Acts, the women who came in, we will say with contagious sores, showed them in a very unfavourable state; that is to say, the ulceration was actively spreading, and great irritation and pain was connected with their progress. That of course was from neglect and want of medical aid; for when the examinations became regular and periodical, and they were sent to the hospital, when the sores were very recent, and of course in a less severe state, they were more easily remedied.

1777. Did you find many women on the voluntary side leave the hospital before a cure was effected?—A great many of them.

1778. I see that Mr. Lane, in his evidence before the Royal Commission in 1871, computes the

Mr.
Barr, M.D.
24 July
1879.

Mr.
Barr, M.D.
24 July
1879.

Colonel Alexander—continued.

the number at about 25 per cent. ; do you concur with him in that estimate?—I concur with Mr. Lane in that.

1779. And those women who so went out before a cure was effected were then in a condition, I suppose, to communicate disease?—They were, nearly all of them; I mean to say that there were some who had other diseases induced by a lengthened neglected state of syphilis, while often subject to great privation; that made their case worse. Syphilis and scrofula and other allied diseases very often run together, and of course syphilis in a scrofulous subject becomes a very serious matter.

1780. Would you say that the extension of voluntary hospitals throughout the country would be likely to check to any considerable extent the progress of syphilis?—It might decidedly have some effect in imposing a check upon it. I believe it would be a very slight check, because, as I said before, however desirous a woman may be to receive medical relief, she will put it off until the very last moment, and relinquish it as soon as she thinks fit.

1781. Do you accept the terms in which Mr. Lane speaks of the voluntary system, that under it as a rule women enter the hospital too late, and leave it too soon?—That is a true description of the case with regard to voluntary hospitals.

1782. If you were to adopt a system of voluntary entry and compulsory detention, would not the fear of compulsory detention deter many women from entering the hospital, at any rate in the early stages of the disease?—There is no doubt of it. To show how women will avoid coming in as early as they should do, the very train that brought me up from Aldershot this morning also brought up a woman who has several times been in hospital. She comes regularly for examination, and then I miss her for a time. It appears that finding herself diseased, or having some doubt about herself, she comes up to a house that she frequents in St. John's Wood, a place where such women live, and there she will remain, if the disease is slight, until she is better, and come down again to exercise her vocation. If she should not get better by the means she uses, she will come down to the hospital, and of course will be found diseased when she is brought before me, and detained. But there are several women who do that kind of thing, and they also propagate disease in this way: if they happen to be favourites of a particular class of men in Aldershot, the latter will visit them in St. John's Wood, and have intercourse with them there; so that that is one of the underhanded ways in which the disease is propagated.

1783. Referring to the instructions which, as you have stated, you give the women to keep themselves clean, and the suggestion of the Right honourable Gentleman the Member for Halifax, that the same instructions are to be found posted up on the walls of continental brothels, am I correct in saying that prostitution being tolerated, although not legalised by the State, these instructions are issued by you, in order to render the effect of that toleration as innocuous as possible to the military forces of the State?—That, of course, is the main reason for my giving them advice, but I also give advice in the same sense as a medical man would to a patient who was suffering from another disease. If I had, for in-

Colonel Alexander—continued.

stance, a patient lately suffering from bronchitis, and he came to me in my consulting room, when he is better I may say to him, as he is leaving, "In order to prevent a return of this, be careful to avoid cold and exposure; and should the symptoms come on again, here is a prescription which will do you good." I should not, after the continental fashion, put up a lot of bills, saying, "My advice for bronchitis is, that you should take syrup of squills every four hours." The advice that I give to women when they leave the hospital is just similar in intention to the advice that I would give to a cured patient who had been suffering from another disease.

1784. That is one kind of advice; do you ever give these women advice of another nature, to abandon a life of prostitution; and do you ever explain to them how on leaving the hospital they may do so?—There is no woman ever admitted into the hospital under my charge to whom we have not only given advice when she leaves, but have offered aid to help her out of her unfortunate position.

1785. The Right honourable Gentleman the Member for Halifax, in some of the questions which he put, appeared to me to be endeavouring to elicit from you an admission, that by making women more attractive the tendency of the Acts was to increase the amount of sexual intercourse; would it not rather, in your opinion, be more correct to say that the tendency of the Acts is rather to diminish it by the decrease of solicitation, and the consequent necessity for the man to seek the woman, rather than for the woman to seek the man?—I do not believe that the more attractive condition of the woman makes her more sought after by the soldiers. I do not for one moment believe it. Another point is, that often the men are drunk when they are with the prostitutes, and there is a certain class of soldiers who, instead of picking out such women as you refer to, would select the very dirtiest tramp that comes along the road. I say that I do not believe for one moment that their being more attractive in appearance has made them more sought after.

1786. To that extent you would say, would you not, that sexual intercourse was made more difficult for a soldier by the Acts than it was before?—It is made more difficult, because the number of prostitutes is decidedly lessened. There are not so many women to meet the demand.

1787. And there is less solicitation?—There is less solicitation; they are not allowed open solicitation as a rule. Of course, in a place like Aldershot, in which a body of prostitutes is inseparable from the camp, there is a good deal that must be winked at on the part of the police; but everyone sees that there is less open solicitation than formerly.

1788. If the Acts were repealed and the women were consequently rendered less attractive, would you expect to find any diminution in the amount of sexual intercourse at Aldershot?—Not at all. I should think that it would decidedly increase. The women having been freed from legal control, taken away from the influence of the hospital, and those connected with the carrying out of the Acts, would simply return to the old state of affairs; the old want of shame, the old filthy condition, and the wholesale prostitution, and the state of things would be as bad or worse than ever.

1789. We

Colonel *Alexander*—continued.

1789. We will now pass to the question of clandestine prostitution. The Right honourable Gentleman, at Question 1600, invited you to assume that clandestine prostitution had, without doubt, been stimulated within certain districts by the Acts. Now clandestine implies secret or unknown prostitution, and, therefore, any estimate of its amount must be mere matter of assumption, in fact, guess work, must it not?—Decidedly; with reference to other districts I should be unable to give an answer. I stated, in reply to one of the Right honourable Gentleman's questions, that in Aldershot and the neighbourhood, from reliable information, I was of opinion that it had decreased, and decreased very considerably.

1790. But if, as is frequently, and without doubt truly stated, women have a great dread of being brought under the operation of the Acts, those who practice clandestine prostitution do so at considerable risk of exposure, do they not?—Most decidedly they do. I think the Right honourable Gentleman took rather a rise out of me, if I may use such a term. In speaking of clandestine prostitution I separated prostitution from clandestine prostitution, whereas the right honourable gentleman stated that a clandestine prostitute was as much a prostitute as others, in his estimation. Now clandestine prostitution in a neighbourhood where the Acts are in force must be so secret and must be so limited that it can be simply nothing more nor less than this, that a loosely inclined woman will occasionally and secretly, for the relief of her own passions, afford intercourse to somebody, but she will take care, from fear of being found out, not to practice open prostitution, because she could not do so without being discovered.

1791. We are, therefore, equally well entitled to assume, are we not, that the true tendency of the Acts is to discourage clandestine prostitution?—That is my opinion.

1792. Let me refer you to your answer to Question 1614, where you say that the older women would not be affected in the way that the younger ones are, and that any number of men almost might go with them. That answer, I take it, refers to the fact that the older women are not so subject as the younger to gonorrhœal discharges?—I take it, as I think I explained to the Committee, that in the case of the older women, from protracted prostitution, from excessive intercourse, and from former disease and ulceration, the parts get so altered that they are not so sensitive to the application of diseased matters. For instance, I know a woman now who has been a prostitute in Aldershot during the whole of my 11 years' residence there, and her parts are simply a mass of cicatrices; the vagina being really as hardened as the cicatrix of a burn on the skin, or quite as much so. That is the reason why the older women do not get diseased, although from affording such a great amount of intercourse the men may become very extensively diseased by them, through mediate contagion.

1793. The Right honourable Gentleman directed your attention at Question 1627 to the hygienic dangers induced by what he terms the excessive and unnatural user of women; that danger is much diminished at Aldershot, is it not, by the comparatively advanced age to which you have already referred of many of the women at Aldershot?—It is comparatively diminished.

0.116.

Colonel *Alexander*—continued.

1794. Because those women are not so subject to gonorrhœal discharges?—They are not so subject to acute gonorrhœal discharges, nor do they so frequently suffer from venereal sores. They propagate disease chiefly by mediate contagion.

1795. You have also stated, have you not, that almost any number of men might go with those older prostitutes?—Decidedly; and consequently are often vehicles for retaining diseased matter, and thus spreading venereal.

1796. With respect to juvenile prostitution, Mr. Lane, in his evidence before the Royal Commission of 1871, mentions the admission to hospital with venereal disease of a girl aged 12. Are you able to say whether the Act fixing consent at 13 instead of 12 has had any effect in diminishing the amount of juvenile prostitution?—I am not able to state how far the diminution of juvenile prostitution may be due to that Act, but undoubtedly we do not get nearly so many very young prostitutes as we used to do. I have met with them as young as 14; in fact, in one instance the girl was not 14, she was only 13. Now we very rarely have them under 17.

1797. You were asked at Question 1665 whether a decrease in the number of registered prostitutes is evidence of a decrease in the amount of prostitution; am I right in saying that the object of the Acts was not to diminish prostitution but to diminish disease?—I think that the object of the Acts was to do both. The main object of the Acts, of course, was to diminish disease and secure the better efficiency of the army and navy; but decidedly the officials who are employed to carry out these Acts have always received encouragement from head quarters to do what they could to diminish prostitution, and of course the natural bent of us all is to do what we can towards diminishing prostitution.

1798. Do I understand you to adopt the construction put by the Right honourable Gentleman on your answer to Question 1668, that extension is absolutely essential to the maintenance of these Acts, and that without such extension you do not think that the Acts could meet with that complete success which you would desire them to have?—I adhere to the answer which I gave the Right honourable Gentleman.

1799. In a series of questions commencing with No. 1670, the Right honourable Gentleman endeavoured to obtain from you an admission that stamping out constitutional disease in the country was a more important object than increasing the efficiency of the Army and Navy; let me ask you whether it does not follow as the night the day, that by stamping out constitutional disease you do, in fact, increase the efficiency of the army and navy?—That was my answer to the Right honourable Gentleman the other day, or it was the answer that I wished to give him, that the efficiency of the army and navy depends very considerably upon the stamping out of the disease. Of course, when I make that statement, I should allude also to the civil population, who are quite as much interested in this question as the army and navy, but the latter are prominently before the country, and their position must be more publicly considered.

1800. In point of fact, then, there was no disagreement between you and the Right honourable Gentleman, and you are quite prepared to adopt

Mr.
Barr, M.D.
—
24 July
1879.

Mr.
Barr, M.D.
24 July
1879.

Colonel Alexander—continued.

adopt as your own, are you not, his proposition that nothing can be more important than stamping out constitutional disease, because you are convinced that you thereby assure the efficiency of the army and navy?—That is my opinion.

1801. Consequently you are unable to see with the Right honourable Gentleman that there are two distinct objects, one to increase the efficiency of the army and navy, as he states, and the other to stamp out constitutional disease?—It is a matter of cause and effect.

1802. I put these two questions to you because the Right honourable Gentleman put a series of questions to you upon that point, commencing, as I have already stated, with Question 1670. In order to accomplish the object of reducing constitutional disease throughout the country, the Right honourable Gentleman invited you to affirm the principle of extending the Acts beyond the present limited area; but while accepting that invitation, I assume that you are not unwilling to retain them as they are in the mean time, under the principle that half a loaf is better than no bread?—Most decidedly. I have already spoken of the effects of the Acts as they are applied now as being most beneficial in their working. I am certain that they have effected the very greatest good, and if they were altered or repealed, the consequence upon the Army and Navy, as well as the public, would be simply disastrous.

1803. Therefore you are not prepared to condemn the present Acts if their extension be refused?—I am not, certainly.

1804. You have been asked whether in your opinion men who consort with prostitutes ought not to be examined as well as women, and I put it to you whether it would not be very difficult, I will go further and say almost impossible, to obtain satisfactory proof that any particular man is in the habit of consorting with prostitutes?—There is no doubt that there would be the greatest difficulty in carrying it out; however desirable it would be, there is a rock a-head awaiting you at every turn that you may take in the endeavour to bring the soldier to book.

1805. It is extremely unlikely, is it not, that a man would give a prostitute his name and address?—Certainly. There would be many difficulties in the way of detecting the man, who would naturally conceal his name. Although I commiserate the condition of these unhappy women as much as anyone possibly can, and have done all that I could to show it, yet I am bound to admit that the class contains, or has contained, mentally and morally some of the very worst people living, and also that they have conferred far more injury upon the men than the men have ever conferred upon them, in the propagation of disease.

1806. I should like you to answer this question simply with reference to the hygienic aspect of the question, and not with reference to the moral aspect of the question. The great difficulty in the way of instituting an examination of men is this, is it not, that among men there is no class corresponding with that of prostitute among women?—Quite so.

1807. At Question 1758, you were invited to express the opinion, that if there is no reduction in the amount of secondary syphilis, it follows that there has been no reduction in the amount of true primary syphilis. I would ask you this question, is not that

Colonel Alexander—continued.

way of stating the case putting the cart before the horse?—Yes, it is an erroneous way certainly; there is no doubt that the present existence of primary sores cannot possibly explain the number of cases of secondary syphilis which may be brought before you, and can in no reliable degree account for it.

1808. If it is true, and I daresay that it will not be disputed, that secondary syphilis cannot be contracted, except by a person who has been first infected with primary syphilis, it follows logically, does it not, that any diminution of the primary must diminish also *pro tanto* the amount of the secondary disease?—Most certainly.

1809. Is it within your experience that it is difficult to detect gonorrhœa in women?—There is little difficulty. When I say that, of course I mean under a trained eye, and a proper and careful examination being made.

1810. I have been informed that there is a disease termed leucorrhœa to which modest women are liable, which closely resembles gonorrhœa; is that the case?—Leucorrhœa is a distinct affection; the appearance of the leucorrhœal discharge is different in appearance to the gonorrhœal discharge; its origin and course are different to that of gonorrhœa.

1811. Do you consider the leucorrhœal discharge to be infectious?—I consider this, that if a woman is out of health, and she has this leucorrhœal discharge during her menstrual disturbance, a great deal of irritation may be caused, and balanitis produced by intercourse under those circumstances.

1812. From what appearance would you infer the contagious character of a discharge?—From its either being almost wholly purulent, or what we call muco purulent; by muco purulent I mean pus, with an admixture of mucus. I should also, of course, be guided by the effects of this discharge upon the patient; the parts generating the gonorrhœal discharge are, generally speaking, swollen, painful, tender, and reddened, and often enough the discharge itself excoriates the parts that it passes over, there is painful micturition often, swollen vulvo-vaginal glands, and general discomfort; and although there may have been an attempt to hide it, yet to a person who has had experience in the examination and treatment of such cases, it is at once apparent what is the matter.

1813. The Right honourable Gentleman the Member for Halifax has referred to the Act of 1864; what is your opinion as to the advisability of repealing the Act of 1866 and 1869, and returning to the Act of 1864?—The Act of 1864 was tried, and proved a perfect failure.

1814. Will you state in what respects you consider the Act of 1864 defective?—In the first place, the long time before the disease was detected, and the objectionable way in which information was sought. You did not detect the disease early, nor did you detect the whole number of diseased women.

1815. It has been suggested that the Act of 1864 never had a fair trial, owing to the inadequate accommodation furnished in the hospitals at that time; what do you say to that?—I think that it had a fair trial; I think decidedly if those who carefully watched its progress believed in its success, there would soon have been accommodation enough.

1816. Under the Act of 1864, no woman could

Colonel Alexander—continued.

could be summoned for medical examination unless on the information of the police inspector that he had good cause to believe her to be a common prostitute affected with a contagious disease, and that she had been seen within 14 days in a public place for the purpose of prostitution; am I correctly stating the provisions of that Act?—Yes.

1817. And while that Act was in force, two sources of information were open to the police for the detection of diseased prostitutes, who did not present themselves voluntarily for examination, namely, men in hospital, and the brothel keepers who were afraid of incurring the penalty for harbouring diseased prostitutes?—Decidedly a most objectionable and most uncertain course.

1818. Is it easy, in your opinion, to obtain evidence from men in hospital as to the particular women from whom they may have contracted disease?—After 11 years' experience at Aldershot, I think that their evidence is worth next to nothing. It very often happens that several soldiers will give the name of a woman who has just been admitted into hospital, and at least two-thirds of the soldiers would not give the name of the woman who they believed had diseased them, even if they could. Generally speaking, as I have said, they will give the name of some woman who is already in the hospital, and who by reporting as sick they cannot in any way injure. Another point is that they are very often drunk when their amorous intercourse occurs, and they do not know the name of the woman; so that really my experience convinces me that their evidence is worth nothing at all with regard to identifying the woman.

1819. That is as regards the identification of the woman?—Yes.

1820. A soldier, for instance, might be drunk, might he not, when consorting with a prostitute; that would prevent any identification?—That is very frequently the case. When questions are put by the police to the soldiers as to the source of their disease, they very frequently answer, "Drunk; can give no information."

1821. With regard to the other provision of the Act of 1864, which I have already mentioned, is there not considerable difficulty in obtaining the conviction of a brothel keeper for knowingly harbouring a diseased prostitute?—There is a good deal of difficulty. I think very few have been proceeded against successfully at Aldershot during the time that I have been there.

1822. Would you recommend any alteration of the existing law in this respect, as far as brothel keepers are concerned?—I think they should decidedly be under the supervision of the police. I think that a law which subjects them to punishment for concealing diseased prostitutes, or concealing prostitutes, should be very stringently proceeded with.

1823. The Royal Commission of 1871 recommended in their report the omission of the word "knowingly" from the Act. Do you concur in that recommendation?—I do.

1824. It is to this effect: page 19 of the Report, Recommendation No. 3, "That in order to obtain a conviction under the 29th Vict. c. 35, s. 36, the Act of 1866, it shall not be necessary to prove that the owner or occupier of the house therein named had reasonable cause to believe that the prostitute was affected with a contagious disease"?—Precisely so; I have a case in point.

0.116.

Colonel Alexander—continued.

A woman who was in my hospital since that report, very badly diseased, who came from Northampton, was detained, I think, for a week or ten days in one of those houses; the brothel keeper was proceeded against, convicted, and fined 5*l.* by the magistrates.

1825. I think important evidence was given before the Medical Committee by one of the superintendents of police charged with the execution of the Act of 1864 to this effect, that although there was little difficulty in obtaining information in the case of the lowest class of prostitutes, it would be difficult to obtain information in the case of prostitutes who are not connected with low brothels; does that coincide with your experience?—It does.

1826. This class, although not very numerous in Aldershot, would be pretty numerous in some of the garrison towns which are subject to the Acts, would it not?—Yes.

1827. And, therefore, to reach that particular class of prostitutes something more was required than the Act of 1864 contained?—Decidedly so; that could not reach them at all.

1828. And that something more was found in the periodical examination of women prescribed by the Act of 1866?—Decidedly so.

Mr. Burt.

1829. I think you expressed an opinion in favour of the soldiers being examined as well as the women?—In the interest of the eradication of disease, I did.

1830. To what extent would you carry that; would you include officers as well as soldiers?—I would not include officers, because they do not generally have intercourse with the class of prostitutes that we have under consideration. An officer, young and unmarried, is not a saint, as we all know, but as a rule he mixes with a class of a different character, who are better off, and who are not generally prostitutes, soliciting openly, that is, but have their own houses and their own apartments.

1831. Are those prostitutes examined?—If they are acting as prostitutes, decidedly they are examined when found in Aldershot, but you could not fix upon such women, for instance, as reside in St. John's Wood, and round about, who visit the camp for two or three days; they are not common prostitutes; but I say at once that I would have them examined decidedly, if they lived in Aldershot and met officers or others openly. I would have them examined as well and as frequently as the very lowest prostitute; there is no reason why they should not.

1832. You have no doubt as to the beneficial effects of these Acts?—I have no doubt whatever. My deliberate opinion is that they have produced more good than any Act of Parliament that ever approached in any way this subject.

1833. Could the same object not be achieved by general legislation; I mean on what ground should there be special legislation for syphilis, and contagious diseases, and so on; why should not they as well as infectious diseases, such as scarlet fever, be included in the General Health Act?—Because the diseases are so different, and the mode of propagating them is so different. In considering these diseases, syphilis, gonorrhœa, and all venereal disorders, you must consider of course how they are propagated, and how they originate; you must properly understand and

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Mr.
Barr, M.D.
24 July.
1879.

Mr.
Barr, M.D.
24 June
1879.

Mr. Burt—continued.

estimate the nature of the evil in every possible way. Scarlatina and other infectious diseases of that sort, are simply the result of accident, whereas, these diseases are caught and disseminated in the way of trade. These diseases affect people and make them inefficient for the public services, by impure intercourse while yielding to a natural passion; you could not, I think, put them under a general legislation. It is a particular affair altogether requiring special legislation. The lessening, if not the stamping out of these diseases, must include the particular treatment of a particular class, and the particular control and management of a particular class.

Sir Harcourt Johnstone.

1834. In answer to a question of the honourable Member for Morpeth, you said that those women who come up to St. John's Wood do not live by prostitution; I suppose you mean not by open prostitution?—Decidedly so.

1835. You mean that they do not live by industry alone, but by industry combined with prostitution?—Precisely so. I state this, that you could not put those people under the Acts; because they are not in the streets and are not resorting to open solicitation; and they certainly do not afford that wholesale intercourse to people that a common prostitute does. It is very likely that one woman may confine her favours to two three men who are able to pay handsomely for her so doing, being really what is termed a kept woman.

1836. Then it is a question of degree and not a question of fact?—As I said before, I should be in favour of having them examined at times, if they were common in dealing with their persons.

1837. I suppose by their superior attractions they do not require so many customers?—Their superior appearance, with some education and accomplishments, and better pay, no doubt renders them less common. Besides that, there are some women who would shrink from being common to all, but who would confine themselves to a few in a better position.

1838. You stated, in answer to the honourable Member for Ayrshire, that voluntary hospitals really would not check the disease?—I have thought the matter over for years with a wish positively to incline towards that view of the case, but I have failed. The other day I was again brought into reflection about it by the eloquent and persuasive suggestions in the questions of the Right honourable Member for Halifax, and I am sure if I had listened to him much longer, I might have been tempted to say, "Almost thou persuadest me to be a repealer," but I deliberately considered the subject again, and I can come to no other conclusion than this, that to effect the object of this Act you must detect the disease early, and put the patient compulsorily under detention. I am satisfied that if you wish to eradicate the disease you cannot do so without first detecting the disease by periodically examining the woman, and then keeping the patient under treatment until she is cured.

1839. Are you aware that the bulk of mankind and womankind in this country with one accord object to treatment in voluntary hospitals?—Not always; the circumstances of particular cases differ.

1840. Of course there is a certain per-centage

Sir Harcourt Johnstone—continued.

who either through ignorance, or stupidity, or wilfulness, neglect the opportunity of being cured, even in voluntary hospitals?—Decidedly.

1841. And, therefore, no doubt, that percentage would prevail even if voluntary hospitals were the rule, instead of compulsory hospitals?—Decidedly.

1842. On the other hand, surely there would be something gained in the establishment of the voluntary as against the compulsory system?—I have no doubt that if voluntary hospitals were erected in various parts of the country properly administered, they would be of service. It would be perfect nonsense to say they would not, but the benefit would be very much less; in fact, it would be infinitesimal compared with that to be derived from compulsory examination and detention.

1843. At all events it has not been tried?—It has been tried to a certain extent; there are several voluntary lock hospitals. I spoke just now of the voluntary side of the London Lock Hospital, a very old hospital, which I suppose has been in existence for 150 years, and has received patients during the whole period; and there are other hospitals which have wards of that kind. I certainly believe that if every hospital in the kingdom had possessed voluntary lock wards, and scientific and humane persons had shown a great deal of interest in them, the disease might not have got to such a height as it has now, and as was the case at the time these Acts were, I believe, imperatively called for.

1844. You are not aware of any diminution of the disease amongst the civil population?—I am not.

1845. You say, I think, that men will have connection with women, either clandestine or under the Act; of course, you cannot really prevent that?—Certainly, you cannot.

1846. And, therefore, that must always disturb your averages of hope of cure to an immense extent?—I have said that clandestine prostitution has decreased in the vicinity of protected towns, and although it certainly did trouble us very much, it is the cause of less disturbance than it was formerly.

1847. You think there is a decrease of solicitation?—There is a decrease decidedly of open solicitation.

1848. If there is a decrease of solicitation, does it not occur to you that there must be more clandestine prostitution, to evade the consequence of detection by the Acts?—When I speak of open solicitation, I mean in the streets and places where passers-by can see it. Of course, there are places where soldiers know where to go to meet these women who may practice clandestine prostitution.

1849. You talk of filthier women being more attractive; do you really think that that is often the case with mankind?—No; I merely refer to a few soldiers in certain line regiments. Any of the police will tell you that they are more liable to pick up tramps and dirty women than clean ones, and even aid to conceal them from observation.

1850. I think you brought out the fact in the early part of your examination that a certain number of women were on the police register, namely, 128, and you made deductions for a certain number who were in the hospital, five who were in prison, and ten who were unfit; and therefore,

Sir Harcourt Johnstone—continued.

therefore, practically, it came to this, that for a force of 13,000 men there were only 78 prostitutes available, to use the expression, for the force?—Yes.

1851. Do you really think that those 13,000 men, most of them unmarried men, were content to associate with those 78 women?—I do not; I do not think that those 78 women decidedly were the only ones that furnished those soldiers with intercourse; in fact, to the best of my recollection, I spoke of another hindrance, namely, women coming from other places, such as Guildford, Reading, Kingston, and London, who came and made a short stay of two or three days, doing immense mischief.

1852. Do you agree with me that others are driven away from Aldershot, in spite of the better condition of trade with the 78 who are permanently there?—Yes.

1853. And if the 13,000 soldiers are not satisfied with the 78, I suppose they find their way outside your limits to those whom you call clandestine prostitutes?—They do; there is no doubt a good many of them do.

1854. You said, I think, that wholesale prostitution would begin again if the Acts were repealed; do you not consider that wholesale prostitution exists now when there are 13,000 men and 78 women?—You object to the term “wholesale;” what I meant to say was this, that where you have one prostitute now you would very soon have a dozen, perhaps, and more open solicitation.

1855. So far as prostitution goes, if 13,000 men have frequent intercourse with those women, it must alter your average of disease enormously. Is not the risk greater when there is a limited number of women?—I stated this, and I state it again, that in consequence of having numerically so small a proportion of women to men, there is more disease propagated than if there were four or five or six times the number of women; I never asserted that the whole 13,000 men were addicted to prostitutes.

1856. Therefore, if you wish to diminish disease, so far from diminishing the number of prostitutes you ought to increase them?—As I said the other day, I was in this House attacked by a gentleman whom I never saw before, who made the same remark, that if you diminish the number of prostitutes, you must diminish the chances of reducing the disease; but it is my opinion, that while we are working for the diminution of prostitutes, and for their welfare, there is a power also warmly interested in an active attention to the wants of the soldiers in the camp. I do not believe that there are so many soldiers who have indiscriminate intercourse in the way that they used to do. I believe that a very much larger number of them keep to their own games and rooms, libraries, and the reading-rooms. There are not nearly so many soldiers to be seen in Aldershot during the evenings as there used to be, and the music halls are far less crowded than was formerly the case.

1857. And yet, in spite of that, the constitutional disease of the whole army has not materially diminished since the year 1861?—With reference to constitutional disease, as I said before, it has been reduced in Aldershot. I gave a table of it. With regard to the whole army, I maintain it is too soon yet to expect it, because it will take a good many years yet to eradicate constitutional disease; and, in the cases that you see

0.116.

Sir Harcourt Johnstone—continued.

now of secondary syphilis, the initial lesion may have occurred years and years ago, in places entirely unsubjected to the Acts.

1858. With regard to the detection of clandestine prostitution for the purposes of diminishing the disease, it comes to this, that as there are so many clandestine prostitutes, I think you are not unwilling to allow that the class that remain is an antiquated class, and that we have now a cast of prostitutes practically existing there for the benefit of the soldiers?—I have already said that I firmly believe clandestine prostitution is less frequently practised; that is to say, in the district. I know that there are professional prostitutes who come from Guildford, Reading, and other places. At the same time I must allow that there must be probably a number of diseased women in some distant parts of the district that we do not get hold of. The police only occasionally visit distant places. They confine their attention mainly to the women in the neighbourhood.

1859. Therefore it is impossible to get a sufficient number of police to patrol the area of 10 miles around Aldershot?—It was done years ago. When I first came there we had a policeman at York Town, and an inspector of police used to regularly visit the neighbourhood.

1860. You would require an army of police to watch 13,000 men, except those who had the 78 prostitutes?—The police would not want to watch the men at all.

1861. Then how would they detect clandestine prostitution?—Of course they have to depend for getting information against clandestine prostitution upon people who reside near the women referred to.

1862. I think you tell us that the soldiers never will show them up?—I said persons living near them. I say the police would have certain information connected with them.

1863. Would you suggest that there should be 10,000 police to look after 13,000 soldiers?—It is not the soldiers that you must look after; as I said before, you look after the women who have acknowledged themselves as prostitutes. Of course every soldier does not pay those ladies visits, nor would you stitch a policeman to his tail on the supposition that he did.

1864. I think your evidence tended to show that there should be a strict scrutiny, not only for the purposes of stopping disease, but for stopping prostitution, in Aldershot and in the whole country?—Yes.

1865. I suppose the women, when they come to you for examination, are not as young as they were?—They are older now generally than was the former case in the camp.

1866. I suppose very young women are afraid of coming under your surveillance?—Yes; no doubt.

1867. I suppose, also, that they have a little more decency?—Yes, they may have.

1868. You are aware that the preamble of the Act of 1864 is this: “Whereas it is expedient to make provisions calculated to prevent the spreading of certain contagious diseases in the places to which this Act applies”; it does not mention prostitution at all?—No.

1869. There is no preamble of that sort, either to the Act of 1866 or 1869?—The preambles of the Acts of 1866 and 1869 do not define the object of the Acts; but I hope, if those Acts are extended, as no doubt you think they will be, that

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Mr.
Barr, M.D.
24 July
1879.

Mr.
Barr, M.D.
—
24 July
1879.

Sir *Harcourt Johnstone*—continued.

there will be a very good preamble to the next Bill, so that there shall be no mistake at all about that matter.

1870. You tell us that you have stamped out constitutional disease so far as you can by the means at your command?—We have diminished constitutional disease.

1871. Can you tell me what further means you would suggest?—I should suggest that the Acts be extended to all military and navy stations.

1872. Would you say from 10 to 20 miles?—No; I do not mean to confine it to certain districts, so much as that the Act should be extended to all garrison towns and depôts, and that the same kind of law for controlling prostitution and disease should be applied to all large places; in fact, to all places where prostitutes may be found.

1873. Would you suggest a daily or weekly examination of the whole civil population?—No, my remarks do not apply to any other than prostitutes; I only suggest the examination of offenders; the whole of the civil population has to suffer from certain offenders, and those I would subject to examination.

1874. How could you detect those who were diseased, without a systematic inspection of espionage over the whole country, or a daily examination?—You would detect the prostitutes in the usual way; they would solicit you; they make themselves known.

1875. The prostitutes are not the only people who spread the disease; I presume that men spread the disease in some way?—Yes; I would do this: if a man was known to be in any way a propagator of disease, I would have him, supposing him aware of his condition, punished. There is no reason why he should not be; but it is a far less likely thing that a man would have intercourse with a woman in a diseased state, than that a woman would allow a man to have intercourse with her in a similar condition. They are so very differently constituted, that it would be less possible for a man to effect intercourse under such circumstances.

1876. Those 78 women of whom I have spoken, must be in a constant position, in spite of their age and callousness, physical and mental, to communicate disease, on account of the immense traffic that they have?—I quite admit that they are in a position by mediate contagion to spread the disease; of that there is no question, and the consequence is that numbers of men are repeatedly in the hospital.

1877. As a mere mathematical question, is it not obvious that in proportion to the greater number of soldiers and the smaller number of prostitutes, the chances of disease are infinitely greater than they would be if there were an equal number of each?—Certainly; but I should be very sorry to have to examine 13,000 prostitutes; unquestionably that number would be far beyond my power.

1878. Are not the chances of infection and of increase of disease greater with a smaller number of prostitutes, than with a greater number?—Decidedly so.

1879. Are you not under the Acts, as we contend, constantly tending in the direction of diminishing the number of prostitutes and diminishing prostitution?—Yes.

1880. Are you not operating against a fixed and natural law, that in proportion to the diminution of the number of women, the chance of these

Sir *Harcourt Johnstone*—continued.

men getting the disease is greater?—Exactly, if it were put in a hard-and-fast way like that. If a soldier were a man who always kept himself single, and who always must be consorting with prostitutes, then your argument would hold; but I say that we have reason to hope there is some advance of improvement in the state of the soldier.

1881. Supposing instead of 78, you reduced that class down to eight, and those were the number for 12,000 or 13,000; would it not be almost certain that you would have more disease than you have now?—If there were only eight, they would be always in hospital, and the number would be reduced to nil. The first day that they came up, I should have to detain all the eight, so that the soldiers would have to be celibates in a thorough degree, or go far from Aldershot for gay associates.

1882. Having got almost to the vanishing point, is it not really the fact that the effort to diminish the number of prostitutes in a garrison town, is directly contrary to the wish of yourself and those who are interested in checking the disease, and that instead of their being less disease, the more you reduce the number, the more disease there would be?—I must not be understood to regret diminution of prostitution; I must not be understood to entertain the view you submit.

1883. I merely meant to ask you, without putting a mathematical question, that in proportion to the diminished number of prostitutes, you have increased the quantity of disease?—There is no doubt about that. I can go a step further, I hope, without laying myself open to the abuse of every one that may read my evidence. I would say that if 500 prostitutes from Liverpool and Manchester, and there are larger numbers in both places, were to come into Aldershot instead of exercising their vocation in the places which they have left, they would, if they so chose, go back there in six or 12 months, certainly, in a more healthy state than when they came, and generally in a better state, and there should be less disease amongst the soldiers, notwithstanding half the number might cease prostitution.

1884. You mean under your examination?—Under the examination and control that the law allows.

1885. And yet in spite of the examination under the Acts, you are not able to say, of your own knowledge, that anything but primary sores have decreased in the whole army?—I must look at it in another way. I must look at it from my observation of the women. I say at once that the women are less diseased comparatively, and that their disease is very much mitigated; and if it is, as it is, true that the per-centage of admissions is very great, it is because there are comparatively so few of them. But then I would explain to you one other reason why primary sores amongst women do not appear to diminish from hospital statistics. I will give you one of several instances. Last April an army surgeon came to me and stated that he had a gentleman under his care suffering from a severe soft sore attended with great pain; he also stated that the patient referred to and another officer had met two nice looking young girls, and that, commiserating the condition of these girls, who said that they had left their homes foolishly, he resolved to send them back again. Each of those men took a young girl to his hut, but

Sir *Harcourt Johnstone*—continued.

before accomplishing the benevolent intention of sending them home, they had connection with them, the consequence of which was that each of those men had what is called "a dose:" they had very severe sores. I spoke to the inspector of police about it, and I found that the description of the women was most accurate; the police inspector had observed two females strolling about the soldiers' quarters answering to the character. The next day those two girls presented themselves for examination, and they were found suffering from severe ulceration. They had come into the district in that state, and had been for some 10 days exercising their vocation, and then they came to the hospital. Both of them are just 17; they are young, and somewhat pretty girls; and I suppose that when they got out they would be more attractive to the majority of soldiers than if they were plainer women. One has been in again, and the other has been in hospital no less than three times since that; being young girls they have plenty of admirers. I have one of them in now. That week three other strangers were admitted with primary sores; so that you see if I had discharged those two the week before, I had five strangers again. During the past week, of 12 admissions to hospital eight are strangers.

1886. The more attractive the women that come in, the more chance there is of their becoming diseased?—Yes, the more attractive and younger they are, the more likely they are to be diseased. Very frequent intercourse with young women, like those, would occasion an almost constant condition of disease.

1887. You state that if precautions are taken by the women, the detection of the disease may be evaded?—I think that in some slight forms of the disease, it is possible that with an insufficient light or something else in the way that you might fail to detect it; but, as I said before, if you did not detect it then, you would the next time that they were brought to you. It must be very slight indeed for you to fail to perceive its presence.

1888. Does not it occur to you that, as you suggest precautions to the women as to cleanliness from a sanitary and benevolent point of view, those very precautions are used against yourself to evade detection?—It is very possible, and probable, but they are used vainly.

1889. Therefore, for the reduction of propagation of the disease, you have suggested the very means which tend to concealment?—It is very possible that they will use such means, undoubtedly every one of them does, unless unmistakably diseased.

1890. Does not that show you how those paternal interferences do not always bring about that happy result which you desire?—Every head of an establishment may fail with some members of it, and so my fatherly advice, as you are pleased to term it, may not always be of much good.

1891. You spoke about its being desirable to extend these Acts; do not you think that one of the consequences of these Acts has been a system of suspicion and information which would be very unpalatable outside a garrison?—Where no prostitution exists; where there is good management; where society is in good order, those Acts could cause no scandal, or any unpleasantness whatever, because they would not be wanted. In the districts where they are applied, a very offensive evil did exist, which was certainly

0.116.

Sir *Harcourt Johnstone*—continued.

more scandalous than the application of these Acts. In places that are well conducted they would not need to be applied, and, therefore, they could not cause scandal.

1892. You attempted to draw a distinction between low prostitutes and high prostitutes; I suppose, in point of criminality or morality, there is no distinction?—No, there is none.

1893. The only distinction between a low prostitute and a high prostitute is, that the latter has not so much trade with the lower class of soldiers?—She is able to afford the means to keep herself clean, as well as those who have intercourse with her. Of course, a high-class prostitute would have some means of ablution in the room in which she met the receiver of her favours, and thus minimise the danger of contagion.

1894. Therefore, you think it would be desirable to elevate the class of prostitutes?—I think this, that if you educate persons, and teach them rightly, they must after some time, at least an appreciable number, get sick of their unhealthy life, and be improved by it, however low they are. It is certain that some are so wedded to it, and have so utter a want of control of their passions, that try as you will with them you can produce no permanent effect. I told the honourable and gallant Member for Ayrshire of a woman that came up this morning in the very train that I came by, and that she had on former occasions been in the hospital under my charge. She is an attractive, well-educated woman in most ways. I have tried with kindness, and the chaplain, and the matron, and others have tried to produce an effect upon her, and have used her being educated as an argument against the mode of living that she has adopted. I can produce tears; a gentle word will send her into a fit of hysteria; but for years she has gone on as she is now, and, when appealed to, she says that she cannot fit herself for anything else. There have been several women in the camp of that class and character. I remember, a few years ago, a case that struck me very much. During the restoration or painting of a church near me, I went to a village church about two miles distant, and behind me sat a woman whose fine voice had been repeatedly heard in the hospital. She used to attend this church. I do not know whether she thought her business was condemned by the Bible, but at any rate she did not think herself out of place in church, she being a prostitute at the same time.

1895. I suppose it might be the same with men; she is no worse than mankind?—I daresay that was her idea. I have got the opinion that the class look upon themselves as an absolute need.

1896. Is that instilled into them?—Certainly not. It is their own opinion. The opinion that I give them is of a very different character; that they are a class to be put down, that they are not wanted, and that they were made for something much better than the course that they are adopting.

1897. Does not your medical knowledge, and your natural humanity, rebel against your hope in this respect. You want to diminish prostitution, and yet you admit to me that, by reducing the number of prostitutes, you increase disease?—I say that as these Acts progress, both the prostitutes and the disease will be diminished. If we find that the diminution of

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Mr.
Barr, M.D.
24 July
1879.

Mr.
Barr, M. D.
24 July
1879.

Sir *Harcourt Johnstone*—continued.

prostitution is interfered with, and the disease does not go down so rapidly as we wish, I cannot even then see it a reason for refusing to help the women to lead better lives.

1898. Are you aware of any of the French evidence on this subject; for example, the evidence of the medical commissioners in Paris?—I have some time ago read it; but, as I said before, I think that this Act is one that can be maintained and worked without being considered un-English or scandalous. I do not like the foreign Acts, as a general rule. They recognise prostitution as a necessity openly in a way that we do not. We recognise it as an evil that we can to a certain extent control; and that we are trying our best to do.

1899. Are you aware that in Paris, where there are on an estimate 30,000 prostitutes, in spite of all effort to get them on the register, at least 27,000 evade detection; and that in proportion as they endeavour to regulate prostitution, there is an enormous per-centage always endeavouring to evade detection?—I gathered from the evidence of the French police that, in spite of all their efforts, a large number did evade detection; but not to the extent that you speak of, 27,000 out of 30,000.

1900. Will you take it from me that about 3,000 out of 30,000 do evade detection?—I will take anything from you, because I know that you will only tell me the truth. My meaning in saying that was not at all to doubt your word, but to doubt the truth of the word of the police authorities. My idea is that they overstated the case, and that there were not nearly so many women as they have stated, who, known as prostitutes, escaped detection.

1901. Does not it strike you that the same thing may operate in Aldershot, as it does to some extent, more or less, abroad?—It can, but scarcely to any extent. The English people are very different to the French people. The French, although I have many friends amongst them, are a lighter people, who wink at these kind of things. They do not look at them in the same light as an Englishman does. What we would consider an evil they would consider a foible, and take no notice of. I could not compare Aldershot or any English town in this regard with Paris.

1902. I suppose you would admit that human nature is very much the same all the world over?—There is no doubt that the English are a steadier race, who keep their passions and their inclinations more under control; but even in England the contrary is too frequently the case.

Mr. *Shaw Lefevre*.

1903. You stated that from your own information and observation disease had very much diminished in consequence of those Acts?—I did.

1904. Did you speak of the disease amongst men?—I spoke of the disease amongst men and women.

1905. When did you first come to Aldershot?—In 1868.

1906. Since your arrival at Aldershot have you observed any diminution in the disease amongst the men?—Decidedly so.

1907. Will you put in statistics which will show that?—Yes. With some necessary explanations. I shall stand no chance with you, because you are an eminent statistician, and I am not even a medium one.

Mr. *Shaw Lefevre*—continued.

1908. I want to know on what you ground, from your own observation, the diminution of the disease amongst the men?—I stated that the first year that I was there, 1868, the ratio per cent. of primary sores for the whole year was higher than it has even been since. This is information which I have received from the principal medical officer, the Surgeon General at Aldershot. I generally go down about once a week to the Surgeon General's office, and make inquiries as to the condition of the sick suffering from venereal.

1909. Is your information with regard to the diminution of the disease amongst the men entirely drawn from statistics?—No; not from the yearly statistics, but from those that I get every week, showing the amount of disease at various times of the year.

1910. Are they derived from statistics, whether yearly or weekly?—Decidedly so.

1911. And upon your own observation?—I can only state that the medical officers tell me that it is diminishing in amount and severity. The cases I occasionally see are much milder than formerly.

1912. Therefore your own observation of the reduction of the disease is an observation derived from consultation of the statistics?—The statistics for various portions of the year are subject to fluctuations caused by certain events already described, which strongly influence the yearly statements.

1913. Let me call your attention to the figures which you have put in; let me ask you how you show upon those figures that there has been any diminution of disease amongst the men since you came to Aldershot?—Of course I go by comparison of certain portions of years as well as the whole 12 months.

1914. In the first place, I presume you will agree with Mr. Lawson that after the year 1873 the operation of Lord Cardwell's order has been such as to make any comparison unavailing?—I said that there had been a remarkably sudden diminution, in 1873, in the admissions for the disease, in consequence of that order; but I have heard Mr. Lawson also say, and the Committee has heard him say, in accounting for the admission of one species of disease, that in consequence of the stoppage of the pay, a man after being in for a day or two was readmitted with the constitutional disorder.

1915. All that I want, upon that point, is to show that it is difficult to make any comparison in respect of the years after 1873?—I suppose that this stoppage of disease applies to all the stations, unprotected as well as protected.

1916. I want you to look at these tables and show me how you draw the deduction from them that there has been any diminution of disease since you have been at Aldershot?—I say that there has been a great diminution in some years; here is one, 1876, in which there were 42 admissions per 1,000 for primary sores, and I say also the 42 would have been much less had it not been that disease was imported extensively.

1917. In the year 1866, two years before you came there, the proportion of disease was 80 per 1,000 with primary sores, and in 1867 also 80 per thousand?—Yes, but it has never reached that number since.

1918. Then the next year it was 72, the next year 62, the following year 67, 65 in the following year, 63 the next, and 71 in 1873; and after

Mr. Shaw Lefevre—continued.

1873 the comparison becomes vitiated. The reduction in the disease since you were at Aldershot has been from 80 per cent. per 1,000 to an average of something between 70 and 65 per 1,000?—It is not an average of between 70 and 65.

1919. Apparently, from 1870 to 1873, the last four years for which you can make a comparison, the proportion varied from 63 per 1,000 to 71 per 1,000?—You have the four years before Lord Cardwell's order was in force; then I say this, that in 1871 and following years the reason of its being so high was that there was a great importation of disease into the district, in consequence of the Autumn Manœuvres, which commenced in 1871. The sick were sent from Salisbury, and from the places where the manœuvres were in 1872, to Aldershot; but in 1872 and 1873 there was a tremendous importation of disease, lasting three-fourths of the latter year; but after that it goes down lower and lower, in spite of frequent importation cases, surely that is a reduction of the disease; and similarly in 1875, in the autumn and in the December quarter, a great reduction commenced.

1920. I cannot accept, after what you have said, any comparison after the year 1873, in consequence of Lord Cardwell's Order; I am asking you what evidence there is of a reduction of the disease since you arrived at Aldershot, previous to 1873?—I can only give you an answer from reliable and official information which I have received.

1921. But you told us that it was from your own observation?—So it is, and I am explaining to you how in various years the great reduction is entirely stopped by events over which you have no control, that is to say, almost entirely from the importation of disease. I was just about to say that in the autumn and December quarters of 1875 there had been a steady diminution in the admissions for primary sores and gonorrhœa. In the spring quarter of 1876, the following year, it was much lower again, it was only after the rate of 22·70 per thousand primary sores contracted within the district and elsewhere; but during the summer quarter, beginning in May, changes in the camp commenced, and venereal rapidly increased. The Royal Artillery, who had contracted venereal in unprotected places or places *en route*, imported much disease (the places where they traced the origin of their maladies being Sheffield, Chesterfield, Birmingham, Preeton, Exeter, and Trowbridge), they brought a number of diseased women with them. In June a more serious importation was caused by the arrivals of the 2nd Regiment from Dublin; the 8th, Fermoy; the 19th, Sheffield; the 61st, Guernsey; the 100th, Dublin and Kilkenny; and the 17th Lancers; some of these brought a great deal of disease from those places; some got it on march route in Waterford and Newcastle. So that the statistics every year are affected in that way, more or less. At the commencement of that year it was down to 22 per thousand primary sores, and would have gone on to be considerably less when there came whole lots of diseased soldiers and women from unprotected places, and that at once changed the whole aspect of the returns.

1922. You are now speaking of the years subsequent to 1873?—Yes.

1923. I want you to confine your observations to the years previous to 1873; and I want you 0.116.

Mr. Shaw Lefevre—continued.

to point out how, in your opinion, there was any reduction of disease in consequence of the Acts?—I can speak positively with regard to certain of those years. Mr. Lawson was there during a portion of the time, and he and many of the medical officers with whom he was in communication, took a great deal of interest in the Acts, and exerted themselves to find out and test the amount of disease amongst the soldiers. Inquiries were made, and efforts used to detect diseased men and admit them to hospital.

1924. I may take it that the numbers which had been arrived at, by the great attention given by the officers to the disease, is the explanation that you give of the fact of there being no specific reduction in the numbers?—I state this, that the soldiers were not able to conceal their diseased state so frequently during at least two years. They saw that there was an inquiry concerning them. I myself got some of the druggists to give me the numbers of the diseased soldiers who applied to them for advice within certain weeks. The soldiers soon found that out, and the consequence was that there were very few druggists in Aldershot to whom the soldiers resorted. I may say, that at the present day there are not many druggists in Aldershot; and, I think, it is owing to this fact that a lot of men diseased could not go into their shops for medicines without being seen.

1925. With that explanation of the fact, will you now admit that the figures do not show any reduction of disease due to the Act up to 1873?—If you look at them they do show some reduction.

1926. What kind of reduction?—It is as much as could have been expected under such bad circumstances, and, for some time at least, of getting hold of and putting them into hospital. Besides, we are at no period of the year isolated. If we were, I believe I could show you a clean bill of health soon; but how can you expect a marked reduction when unhealthy men and women are coming in all round you from unprotected places filling up the wards that you have just closed, and so unfavourably affecting the statistics?

1927. I am speaking of facts as to the conditions that exist, and have existed, at Aldershot, and I want you to point out to me how those figures show any substantial reduction of disease in Aldershot due to those Acts until the year 1873, when, as we have already been told, the comparison becomes vitiated?—I can only answer you in this way. Every one can see that from this return that there has not been, generally speaking, a great yearly reduction. That I allow, but I give my reason for it, that if the result is not more favourable than it is, it is not in any way due to failure of the Acts, but to the hindrances encountered in their application.

1928. That is exactly what I gather from your evidence, namely, that you admit that the figures show no substantial reduction of disease, but you endeavour to explain that by the fact that the officers were more attentive to the cases and brought a number more cases upon the list, and also that there was an importation of disease from other quarters?—With regard to one of these statements, I must not let it go forth that the officers were more attentive to the cases than they are now.

1929. I will not say that the officers were more attentive, but that they took pains to bring cases upon the list?—I have no doubt they did.

Mr.
Barr, M.D.
24 July
1879.

Mr.
Barr, M.D.
24 July
1879.

Mr. Shaw Lefevre—continued.

1930. You admit that the figures as they stand show no substantial reduction of disease until 1873?—They show no substantial reduction until 1873, so far as those people who come in from other places affect the yearly returns; but so far as the soldiers in Aldershot are concerned, if they had been left alone there would have been a very great reduction, but when venereal is introduced in the manner it constantly is, it takes some time to show much reduction, because you have to take under consideration cases over which you have had no control whatever.

1931. The Act of 1864 did not apply to Aldershot, I believe?—It was not applied there.

1932. There were no hospitals under the Act of 1864?—I think there was a hospital at Devonport, but not at Aldershot.

1933. And the Act of 1866 only applied to Aldershot in the course of the year 1867?—Yes.

1934. Have you ever known cases of women coming into Aldershot from other districts for the purpose of being treated?—Numerous cases.

1935. Will you turn to your answer to Question 1369; from that answer I gather that the average number of women plying their avocation is not more than 78?—I think I said that at the end of last year there were only 128 women on the register. That was exceptionally low. There are 147 on the register now. I have in hospital now, to the best of my recollection, 26 patients; so that you see there are 120 registered prostitutes who are plying their avocation.

1936. Making the deduction of a certain number of women who are in hospital, and a certain number who are unable from various causes to ply their avocation, you think there may be 120?—About 120.

1937. Then I observe from the returns about the diseases among the women, that 314 women were infected with the disease in the course of last year?—Yes, that is so.

1938. Then from the return, when you work it out, you arrive at this fact: that nearly every woman was diseased three times in the course of a year on an average?—From my table concerning the number of women on the register, there were 296 on the register, and the average number was 162.

1939. Two hundred and ninety-six got on the register; but the average number on the register was very much less?—Yes, 162; so that you see instead of three times it would not be twice.

1940. That is the average number on the register; but also there must be some deduction made from that for the women who, although on the register, are unable to ply their avocation?—Those who are in the hospital, of course.

1941. And there are other deductions, are there not?—Yes.

1942. Therefore the number who are really plying their avocation is very much less than 162?—Yes.

1943. You would say not more than 110 to 120?—I suppose that that is correct at this moment.

1944. If that be the average number and 214 were sent as the ratio in the course of the year, does not it follow that each woman, on an average, is diseased three times in the course of the year?—Not at all. You must take the whole number, 162; you cannot separate even those who are temporarily away from it from the number; you must take the whole number.

Mr. Shaw Lefevre—continued.

1945. This table gives the average number of women upon the register, and from that, a great deduction must be made for the women who are not really plying their avocation, and the table also gives the annual ratio per cent. of the cases of disease, calculated upon the average number of women upon the register; and it appears that that ratio is 314; but if you take the average number of women who are actually plying their avocation, then it would appear that every woman, on an average, must be diseased three times in the course of a year?—Yes; no doubt it would make that average. Just now, in reply to the honourable baronet, I gave instances of women who would be very rarely out of hospitals, very young and very dissipated prostitutes.

1946. Then I gathered also from your evidence, that the character of the disease had also changed?—Decidedly.

1947. Whereas formerly the cases of gonorrhœa were in proportion to syphilis two to one, now there are about the same number of cases of syphilis as there are of gonorrhœa?—There are slightly more than you quote of gonorrhœa; but as I told you just now, the place not being isolated, we get a supply of syphilis in excess from the outside; it fluctuates, but materially affects our returns. I might send out every patient free from disease to-day, and a number of others may be taken in to-morrow with syphilis or some kind of venereal. I have said, I believe, that there are a number of soldiers diseased who are successful in concealing it; so that it is no wonder that a certain number of women should be so frequently in the hospital; and, in fact, it is marvellous that the whole number are not frequently in. There are very few indeed who escape being in hospital during the year.

1948. Would you say as the result of those figures, that each woman is now on an average diseased oftener than she was formerly?—I can hardly state that. Disease in her is more readily put under treatment than formerly.

1949. Does not it follow, from a consideration of the figures that you have already quoted, that each woman on an average is oftener diseased in the course of a year than she was formerly, and not only that, but with a worse quality of disease, namely, syphilis, instead of gonorrhœa?—The number of women is fewer, and may consequently suffer oftener; but the quality of disease is much more slight, except in the cases that are brought into the districts. I admit that the annual percentage ratio may appear as large or larger; notwithstanding the reduction of prostitution, a diminution of the disease has occurred. We have just half the number of prostitutes that there were, but we have not got double the number of admissions.

1950. But the ratio per cent. has increased although the character of the disease has altered?—The character of the disease is much milder than it was, except in those women visiting the camp from unprotected districts.

1951. But there is a greater proportion of syphilis cases than gonorrhœa cases?—I must tell you that as those women are examined, so the slightest evidence of venereal confines them to hospital. If there is the slightest proof of disease in them, they are put under treatment at once, although they may be only in hospital for a few days. Therefore we have no such cases of syphilis as we had years ago, when we kept a woman

Mr. Shaw Lefevre—continued.

woman in hospital from six to nine months, and then sometimes were forced to send her out uncured.

1952. You said the other day that women to a certain extent had learned to treat themselves for gonorrhœa?—Yes, decidedly they keep themselves cleaner and thus prevent discharges, and if they find that they can by such means prevent illness they do so no doubt, and very properly too.

1953. You think it is possible that they learn to treat themselves in such a way that they do not become subject to hospital treatment, and yet they give the disease to the soldiers who cohabit with them?—If you mean that while they are treating themselves they are affording intercourse they may do so, certainly.

1954. And in such a way, that although they treat themselves to a point that prevents them going into hospital, yet they may give the disease to the man?—They may cause disease, during a few days, but they would be detected when they came to be examined.

1955. Is it not possible to treat themselves to such a point that they escape inspection and do not go into hospital, but continue to give the disease to men?—No, they do not escape detection nor inspection, or very rarely indeed.

1956. If they treat themselves to a certain extent, may they not escape detection by this treatment, and at the same time continue to give disease to the men?—I do not think that two in a year could do that. If they treated themselves unsuccessfully they would be discovered. Having intercourse would nullify the effect of remedies.

1957. With regard to the comparative importance of examining men and women, I think you stated that on an average those women have intercourse with from 10 to 20 men every night, many of them?—Yes.

1958. Does not it follow that it is almost as important to examine the men as the women?—I have already stated that I am in favour of periodical examinations of the soldiers. I do not mean to say that every one of them should be inspected every week or so, but I think that the surgeons of the various regiments should be allowed when they think proper to examine the men, and that they should be examined carefully. Of course the surgeon of a regiment is at a disadvantage in one way. If he could depend upon his non-commissioned officers for information, he would be able to detect disease among the soldiers, but as a number of the non-commissioned officers are as often diseased themselves, they will not give information.

1959. May I take it from you that it is almost as important that there should be an examination of men as of women?—No, I do not say that. I think that the examination of the soldier would be a very valuable aid to keeping him clear of disease and infection, and would certainly reduce the disease, but I cannot for a moment admit that the one is as important as the other. One is bound to say that probably in some regiments there are scores who never touch a woman; but with regard to those women whom we examine, every one of them is in the daily and nightly habit of intercourse.

1960. Are there any regiments within your knowledge at Aldershot in which an examination does take place of the men?—I know that in the the two battalions of the Guards examinations take place. Some of the Guards, I think, are

0.611

Mr. Shaw Lefevre—continued.

at Aldershot now, as they are usually during the summer drills.

1961. Are they periodically examined?—I have always understood so.

1962. Can you say how often?—I cannot tell. I think that Mr. Myers, one of the surgeons of the Guards, will be before the Committee shortly, and you can get the information from him.

1963. Do you think that that may account for the very high proportion of disease in the Guards, as shown in the returns?—It may, certainly. Of course, if all the cases that they find diseased are reported, that would account for any statistics produced. I know that the Guards came down to Aldershot at the beginning of July, and there were 19 men in a fortnight under treatment for venereal, clearly showing what I said just now, that the statistics are naturally affected by extraneous circumstances. Between the 1st and the 15th of July there were no less than 74 cases of venereal admitted in the camp, and of those 19 were brought from London by the Guards; four were brought from Dublin; two from Hounslow; one from Chatham; one from Marlborough, two from Sheffield; one from Gloucester; one from Hereford; one from Swansea, and some from other places.

Chairman.

1964. The honourable and learned Member for Ipswich is not able to be present to-day, but he has sent me a paper containing a few questions which he desires me to ask you. The honourable and learned Member desires to know whether any special causes are in operation, which, in your opinion, prevented a greater reduction of contagious disease in your own district, and first of all whether there is not a greater facility, owing to the hospital accommodation, for diseased women to enter your district?—There is no doubt that diseased women have entered the district for the very purpose of procuring admission into hospital, and undoubtedly a great many more, if they knew of it, would come in from other places to obtain admission and treatment in hospital.

1965. So that they are the cause, in your opinion, whereby disease might be propagated to a greater extent?—There is no doubt that most of those women, in order to obtain admission, first act as prostitutes, and therefore, the disease is disseminated. They are one cause of the presence of disease.

1966. In your district do the soldiers, in your opinion, have resort to the women in the contiguous districts to any extent?—There is no doubt that they do.

1967. And might that, in your opinion, also be a cause why disease should rather increase than otherwise?—There is no doubt about it. Of course, within the area of a certain number of miles there are people that you cannot get hold of. And another point is, that the police do not, in outside places, care to interfere or make active inquiries, unless there is an absolute necessity for doing so. But there is evidence in some parts of the district, that many of the women are anything but proper in their conduct.

1968. I understand it to be your opinion that, in order to obtain any satisfactory result, the compulsory examination of the women is imperative?—It is imperative.

1969. Inasmuch as the greater proportion of those

M 3

Mr.
Barr, M.D.
24 July
1879.

Mr.
Barr, M.D.
24 July
1879.

Chairman—continued.

those women would not go into hospital as long as they could stop out?—Decidedly a large number would not go in until they were compelled to seek for advice.

1970. Unless, in fact, they were compelled by what might be called the force major?—Precisely so.

1971. In your experience as surgeon of the Lock Hospital, have you seen many cases of women who came in voluntarily and then discharged themselves before they were cured?—It is impossible in a Lock Hospital, except it be certified under the Acts, to prevent that.

1972. I mean in the London Voluntary Lock Hospital, the great establishment to which you referred?—Decidedly so; they come in and stay as long as they think proper, and then leave. There is one portion of it which is called the certified, the other the voluntary; the latter is part of the original building.

1973. I understood from your evidence that you had formerly been surgeon there?—I was resident medical officer there for 15 months.

1974. It is within your knowledge that it has happened not unfrequently that women would come in and discharge themselves before they were properly cured?—Certainly. I daresay it would be so in the case of one-fourth of them.

1975. With regard to entering hospitals, is it not rather your opinion that in the English character there is a disinclination to enter hospitals?—Decidedly; on the part of a certain class there may be. I mean the respectable class, who can pay for the treatment of disease: of course they would be disinclined; but on the part of the class that we are referring to, that disinclination would be increased by the forcible detention and monotony of a residence, whether short or long, in such contrast to the light, dissipated life they pass outside.

1976. To go farther than that, I would ask you, with regard to the class, say of domestic servants, do not you think, as a rule, English people of that class would rather prefer to be treated by a doctor, if they could pay for him, than go into hospital?—Yes; certainly.

1977. Even by a quack doctor?—Certainly, as a good many of them have done to their own injury, as they have found.

1978. Do you think that there is a difference in that respect in opinion between Englishmen and foreigners?—I do not think I am competent to answer that question as you wish.

1979. With regard to the diminution of disease, you stated your opinion that there has been a decided diminution in all the various classes of the venereal disease in your own district?—Decidedly so; and if it does not show itself in those statistics, it is for the reasons that I have advanced.

1980. Your statistics went down first of all to 1871, and you stated that there was a diminution between 1867 and 1871, but not a very great one, and you accounted for the result by certain facts, which you gave, with regard to the soldiers who came into camp; I should like to ask you a question or two upon that subject after 1873. We have been told that the statistics after 1873 are not so reliable on account of the working of Lord Cardwell's Order, but independently of that circumstance, do the statistics of 1873 down to the present time, show a diminution?—They do show some diminution.

1981. What diminution do they show from

Chairman—continued.

1871 down to last year?—For 1878 I see the Army Medical Department made out that the cases of primary sores were 52 in 1,000.

1982. So that it is 52 as against 71?—Yes, as against 71 in 1873.

1983. Was that the year when the Reserve was called out?—No; last year the Reserves were called out. That is my explanation for the figure 52 being higher than the year before; it was 52 in 1,000 last year; 46 the year before; and 42 the year before that.

1984. That shows a diminution of very nearly 50 per cent., does it not, since 1867?—Yes; I may say with regard to these figures, that the Adjutant General's strength takes the whole number of men belonging to the division. Supposing that there are 300, we will say, engineers going away to Chatham or elsewhere, they are kept on the strength of the division a few days by the Adjutant General, but in the Medical Department they are wiped off at once, not being there on the particular day; but supposing that 10 of those men are suffering from venereal, they are sent back to Aldershot, are counted of the strength in camp, minus the other 290. I find that the ratio was 42·7 in 1876, according to the Adjutant General's return of strength.

1985. Then your loss in the year of the Reserves, is what?—According to the statements of the Army Medical Report, it is 52 in 1,000.

1986. Still that would be a very considerable diminution from 1867?—Most decidedly, and it is a diminution under bad circumstances.

1987. Then you have to take into account the number of men who do not report themselves for primary sores?—Yes.

1988. Those men would probably come into hospital diseased with secondaries?—Very probably so.

1989. So that in one way or the other they would properly come into the statistics?—Yes.

1990. Do you believe that the venereal disease amongst the civil population is becoming less?—Generally I do not think so. From inquiries which I have made, I hear of a good many of the civil population being diseased. I do not mean with regard to the neighbourhood I reside in; I mean generally.

1991. I mean outside the protected or the subjected districts in the unprotected and unsubjected military stations, and throughout the country generally, do you believe that the venereal disease is less virulent in its character?—I may take it, so far as the subjected districts go, that the disease has diminished, and that it has lost its virulent character. In other districts I am informed it is not so.

1992. I am speaking of the unsubjected and unprotected districts throughout the country generally, where there is no protection; do you believe that in those unprotected districts venereal diseases of all kinds are less frequent and less virulent than they were?—Not at all; I have had a good deal of information from medical men living in different parts of the country. I had a long communication to-day from Liverpool, asking my advice about a certain case. I gave an instance the other day, I think, to the Right honourable Chairman of a poor fellow who came in from near Windsor in a frightful state.

1993. I ask you this question because there seems to be an opinion abroad that if these Acts had not been passed the disease would have diminished of itself?—That would be impossible, unless

Chairman—continued.

unless fornication was stopped at the same time. If intercourse went on as it does now, it certainly could neither have stopped, died out, nor got less severe.

1994. You are in the habit, no doubt, of seeing a great number of medical gentlemen who are in your line of the profession, if I may so call it, and do you think it is their opinion that the disease would have diminished of itself?—No; I never met with one that thought so.

1995. Do you think that the opinion of the medical profession generally is in accordance with your own upon that point?—I think so. Of course there are some men of position as medical men who think differently, and have made statements to my immense surprise; but this question has assumed such a curious shape from misrepresentation, that even sensible medical men have got affected, and have allowed inaccurate statements to so overcome their brains with cobweb speculations, that they cannot discriminate what is true from what is false. I can only state this, that there are publications which say, and public speakers who affirm, that these Acts demoralise women, and that everybody engaged in carrying them out is almost, if not quite, a villain, or something like that; a term which has been applied to myself by some, not too polite, orators.

1996. Are you personally acquainted with the existing surgeons or the medical authorities of the great Lock Hospital in London?—I know Mr. Lane, certainly.

1997. Have you ever heard him say whether the diseases have become less violent in their character?—With regard to those that are on the compulsory side, he has often spoken to me as to the mitigation of their severity, and the great contrast that they show clearly compared with those on the voluntary side.

1998. His reasons, I suppose, are the same reasons which would induce you to think that it is for the public benefit that these Acts should be kept in force?—Yea.

1999. The Right honourable Gentleman the Member for Halifax, referred in his questions addressed to you on the last sitting of the Committee, to two expectations which he said were held out before the passing of these Acts: first, that the expectation was that the efficiency of the Army and Navy should be increased; and secondly, that the expectation was that constitutional syphilis should be decreased; perhaps you will allow me to tell you that there was a third expectation which was strongly held by many of those who supported the Acts at the time they were passed in the House, because, as you know, to pass an Act of Parliament in the House of Commons requires not only the force of the Government, but also the assistance of other independent Members, and that there was, I repeat, a third expectation very generally held out, flowing from considerations of humanity and benevolence, namely, that a large class of unfortunate persons who were suffering from a terrible disease, and were unable to cure themselves, should be relieved at the public expense, and also should have opportunities for reclamation; I want to know whether it is your opinion, having heard what that expectation was (and it was one of the expectations which I, myself, held at the time), it has been carried out?—There is no doubt that very good results have followed the application of the Acts, and that expectation has been carried out.

0.116.

Chairman—continued.

2000. Do you think that many unfortunate persons who were suffering from this disease, and who otherwise perhaps would have died, have been cured?—There is no doubt that they have been relieved from sufferings which had led them to the greatest despondency and misery. In many cases threatened death has been averted.

Mr. Stansfeld.

2001. I think I understood you to say a short ago that the amount of disease in Aldershot was very much affected by the disease introduced by strangers?—Yes.

2002. Are you inclined to debit Aldershot with the amount of disease which you find amongst women?—Yes, to a certain extent; but the actual residents suffer from the frequent importation of venereal.

2003. Did not you tell us the other day, or we had it in evidence, I think, that all soldiers on their first arrival at Aldershot are examined?—Yes.

2004. In order, is it not, to prevent them from infecting the prostitutes of Aldershot?—It requires a little further explanation; you may examine soldiers, but they are able to conceal the disease in many cases much more easily than a woman can; and seeing how they are often in large numbers diseased, and the rapidity with which they come into hospital sometimes after this examination, it is only partly efficacious. I remember, if I may give you an instance, a few years ago the 13th Hussars, now, I believe, in India, were examined, and I think the result of that examination was, that some 25 men were admitted at once suffering from venereal disease; but in less than a month upwards of 60 cases out of that one regiment suffering from venereal were under treatment.

2005. At any rate, in Aldershot, and in the other subjected districts, the precaution is taken of examining freshly arrived soldiers, in order to prevent the dissemination of the disease by them?—I believe that with very few interruptions it is so. There has been an interruption in Aldershot during the last 12 months, owing to changes of surgeons to brigades, and changing of corps, so that the examination of men returning from furlough has been somewhat interfered with. That is the information that I have received.

2006. There was an answer which you gave to-day, which I did not quite understand. I understood you to say that the doctors not sympathising with Lord Cardwell's Order, after a day or two, admitted men, or allowed men to remain in the hospital under some other head of disease?—I quoted an answer which I believe Mr. Lawson gave you to one of your questions as accounting for the number of cases of secondary; I certainly understood him to give you that answer; I have not seen his evidence, but I am decidedly under the impression that he gave it to you or to another (I think it was to yourself) that men who had been in for primary sores, as soon as they were healed, which might be in a few days, if they required further treatment, were at once treated as fresh cases, and as secondary syphilis.

2007. You have said, with regard to your experience in the hospital in the Harrow-road, that you do not think women would come as easily in the earlier stages of the disease, nor do you think that they would stay in till they were cured unless there were a compulsory examination and the power of compulsory detention?—With re-

M 4

Mr.
Barr, M.D.
24 July
1879.

Mr.
Barr, M.D.
24 July
1879.

Mr. Stansfeld—continued.

gard to the voluntary side, I said compulsory detention, not compulsory examination, for such patients are not all prostitutes. Of course those women who come there come by selection, that is to say, at the weekly meeting of medical men at the Dean-street Lock, they allow some of the worst cases, or those needing most urgent relief, to come to the wards referred to; want of funds I have no doubt prevents their taking in a good many more.

2008. Therefore there is a tendency on the voluntary side, is there not, to take the worse cases?—I should naturally say that it would be so.

2009. That would not be the case if in all the districts in the country you had a sufficient supply of voluntary hospital accommodation; you would take average cases; you would not select the worse cases?—It is very possible that in a place where there were voluntary hospitals the disease might be relieved, and you might possibly, by good advice, get them to present themselves before the disease had got to be so very bad.

2010. I mean that the experience of the voluntary side of that particular hospital is not a correct indication of what the working of a general system of the supply of voluntary hospitals would be?—It is the working of the system as it is now, at any rate, and as it has been for years. If it should be in the way that your question would indicate, there would have to be an alteration entirely; I do not mean to say that it is impossible that there could be an alteration.

2011. I understand you, that as things are, there is a tendency, there not being a sufficient supply, to admit by preference the severer cases?—Yes.

2012. That is your experience. If I were to tell you that there were voluntary hospitals in which the experience differed, in which they found the women come in early, and they found no difficulty in keeping them till they were cured, you would not be able, from your own knowledge, to contradict that statement?—I should be only too glad to hear it; anything in the world that would reduce the disease I should only be too happy to hear of.

2013. I can only put the question in that way, because at present there is no evidence of that kind before the Committee; but if such evidence should be forthcoming you would be glad to hear it?—I should be glad to hear it.

2014. There is another point upon which I should like to follow up the questions of the honourable Member for Reading; you seem to be under the impression that the importance with regard to the diminution of the disease and the danger of infection, of examining women and the men who consort with them, is extremely different?—I do.

2015. In answer to a question which I put to you, No. 1687, you said that if a "woman is diseased, more disease is propagated in that way by one woman than would be propagated by 100 different men"?—True; and I adhere to that opinion.

2016. You examine a woman at your fortnightly examination, and you pass her from the examination room, I presume, as free from disease?—She is not detained if she is not diseased.

2017. And you tell us that you believe in that investigation, and that she is free from disease?—Yes.

Mr. Stansfeld—continued.

2018. A diseased soldier has commerce with her the very day that she leaves, and he infects her, does he not?—Probably so.

2019. But you have told us that that woman will not be examined again for a fortnight?—That is so.

2020. And that during that fortnight she may have commerce with 10 or more men every night?—Yes.

2021. Is it not evident that before she comes again to be examined that one diseased soldier operating, if I may use the expression, through that one woman, will have been the cause of disease, it may be, to a hundred men?—She may disease many; but, on the other hand, it must be remembered, that that soldier having had connection with this woman, has done with her and probably with others for a time; he does not have connection with a lot more; and, as I said before, a soldier cannot, if he is suffering from venereal disease of a painful character, have connection so freely as a prostitute does. I have already spoken, as you know, of how they disease men by mediate contagion.

2022. That is to say, the men disease each other; she is but the channel of communication?—In such a case it may be so, and therefore it is that I have recommended the examination of soldiers (of course I can speak of none other) whose habits are known to be mixing with those women.

2023. Let me put it in another way: this woman, who is examined and is found to be free from the disease, becomes afterwards diseased; she can only become diseased by a man; is it not so?—It is so.

2024. But the moment that she is diseased, before she can be examined and confined in the hospital, she diseases a number of other men who have commerce with her?—Yes, she may, after disease is actively established.

2025. I want to know whether the cause of all this disease was not the disease of the soldier who communicated it to the woman whom you had made fit for use?—But you must look at it in this light too, that the woman offers herself to the soldier, who pays her for what he does, and she mixes with other men, and is paid also for what she does: she hires herself while in this diseased state.

2026. I am simply speaking of the comparative importance from a hygienic point of view of the examination of men and women, and my argument which I want you to address your mind to is this, that you cannot secure the women without examining the men as well; and that being my argument, I am sure you will address your mind to it; and I put this case to you: The woman leaves your examination room healthy, she has commerce with a diseased soldier, she becomes diseased; for a fortnight she is loose and at liberty to disease any number of men with whom she has commerce; who has been the cause of the disease to the men, the woman or the man?—The woman has been the medium of the disease.

2027. And the man the cause?—Her own vicious inclinations have been the cause.

2028. I am not discussing morals, but the cause of disease, whether the origin of the disease is with the woman or with the man?—There is no denying that there is some truth in that argument. There is no doubt that if a soldier is known to be diseased he should be detained at the hospital; and, therefore, it is that I frequently put

Mr. Stansfeld—continued.

put this question to a woman, can you tell me who originated this disease? Mr. Lawson will tell you that during the time of his being Surgeon General at Aldershot I have on several occasions sent him down the names of some soldiers who were supposed to have diseased women; and I believe that in every case they were inquired into; but there was this disadvantage, that it was very rarely there was found anything the matter with them. But in every case of disease a woman, paid for intercourse, was the cause.

2029. But the women were already diseased; you acted too late. Deriving some of your figures, as you have just told us, as to the amount of primary disease at Aldershot from the figures of the Army Medical Report for 1877, can you tell us upon what basis the strength of our forces is calculated in the reports of the Army Medical Department itself?—I cannot, further than from the information afforded me, when I have asked how the strength can be returned, which is this, that there is a daily return of the number of sick in the Aldershot Camp, and the total of actual men doing duty in the Camp at the time is quoted. The Adjutant General takes the strength of the regiments that are there on a certain day. His is a weekly return, but the Army Medical Department is a daily return. The Adjutant General's return is, I think, the fairer one.

2030. What I understand you to mean is this, that you dispute the basis upon which the returns of disease in the Army Medical Reports are founded?—I am not disposed to dispute it, but I think at the same time with regard to the general returns of the strength in a camp where there is so much movement, that a rather more unfavourable opinion may be gained from the statistics than would be the state of things if the Adjutant General's returns were taken.

2031. You do not think that it is a sound basis to take the actual number at a given moment?—I think not, under the circumstances mentioned.

2032. In answer to a question from the Right honourable Chairman, you expressed the opinion, I think, that out of Aldershot venereal diseases had not decreased in quantity or seriousness in the country at large of late years, and you said that it was impossible that they should have done so, unless such means as the Contagious Diseases Acts had been applied to the country generally; and you said that the general opinion in the profession agreed with your own?—I stated, in answer to the Right honourable Chairman, that I did not believe that venereal disease in the country generally had either diminished or lessened in severity irrespective of the Contagious Diseases Acts. With regard to that, I did not say that that was the general opinion of the profession, but that it was the opinion of all the medical men with whom I had come in contact. At the same time I was bound to allow that there were medical men of some position in the profession who wrote and spoke differently on the subject; I also gave my reason for that, that I believed that so strong a feeling had been brought up against these Acts, that their tendency had been misrepresented, and that not only medical men, but other eminent men had allowed their better sense to be clouded from this cause.

2033. Therefore you not only know the state of medical opinion in the country, but you can trace their opinion, so far as you do not agree with it, to unscientific causes?—I am sure from

0.116.

Mr. Stansfeld—continued.

the evidence which I have given, you must see that I do not place my approval of these Acts solely upon a scientific basis. I should say that I have taken the subject in its social aspect very strongly into consideration.

2034. So far as it is the opinion of the medical profession that in the country at large outside the subjected districts, venereal diseases have decreased in amount, and decreased in severity of late years; so far as that opinion exists, you say two things; first of all that you believe it to be unsound, and secondly, that you believe that opinion of scientific men to be due simply to their moral impressions with regard to those Acts?—You have a little, I think, perverted my meaning, of course unintentionally. My answer was not alone on scientific grounds, but from information received very generally; of course their moral or immoral tendency included.

2035. I mean that is your conclusion?—It is my conclusion, that very many intelligent men labour under that misunderstanding.

2036. I will take two cases. You know Mr. Skey, who was the Chairman of the Venereal Departmental Committee of 1864?—I knew him very well.

2037. He was an extremely eminent man, was he not?—He was an eminent man.

2038. Are you aware that he expressed an opinion after the sitting of that Committee, that the views which had been entertained with regard to the severity of syphilis had been exaggerated?—I heard that, and I was rather startled to hear that he had said so. I put it down in my own mind to the fact that he had not made himself so well acquainted with it, by strict observation and inquiry, during some time before that statement, as he should have done; I think if he had done so, he would have been inclined to alter that statement.

2039. Are you prepared to say that your own knowledge of the conditions of these diseases in the country at large away from Aldershot is greater than that of Mr. Skey?—Not at all; but I do not know that his knowledge would be comparatively greater or more reliable than mine. He could only get it from inquiry, as I have done; but I daily see specimens of disease from various parts of the country.

2040. I will take another case, that of Mr. Simon, who was for many years medical officer to the Privy Council, and head of the staff of medical inspectors, who was in the habit of visiting all parts of the country, and inquiring into the conditions of disease. Mr. Simon was called upon in the year 1869 to advise upon the question of the extension of the Contagious Diseases Act, or some similar system to the country at large. He was not asked for an opinion upon these Acts as applied to naval and military stations. He wrote a memorandum in reply to the call upon him from the Privy Council, from which we have had a quotation, already in answer to a question of mine; are you not aware that Mr. Simon has stated in that document distinctly, that there has been very great exaggeration among medical men with regard to the amount and severity of venereal diseases, and that they had distinctly diminished in amount and severity?—I am aware of that opinion. I read his article, which was an article of great talent, as of course coming from so eminent a man it was certain to be. I can only state this,

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Mr.
Barr, M.D.
24 July
1879.

Mr.
Barr, M.D.
24 July
1879.

Mr. Stansfeld—continued.

that he did not himself get, that is from the most reliable sources, sufficient information, in my opinion, to make me believe in the exact correctness of that opinion. Venereal diseases in all parts of the country are matters of secrecy. An inspector could not find them out, and he is (and I say it with all due respect) not so capable of giving an opinion as men who devote the best years of their life to acquiring direct information. He is an eminent hospital surgeon, and a very eminent man, and his opinions should have due weight with every one, as they certainly would with me, but on this point alone the most eminent man living may fail. That has been his honest opinion, and those who gave him the information did so honestly also, but is not my opinion, and it is not, according to the intelligence I have received, and it does not agree with what I have observed.

2041. In your opinion, what I may call a specialist, a man who gives himself specially to the study of these kind of diseases, is a more reliable authority upon this subject than what I may call a medical statistician?—You can hardly call me a specialist; but, if you like we will have it so, though that is unimportant, but a specialist under these Contagious Diseases Acts is not like a specialist, who simply attends patients suffering from one disorder. In the treatment of these diseases he is brought into personal knowledge of the women, their places of residence, their former history, and gets a reliable account of the prevalence of disease in the places they originally came from, and therefore he has an opportunity of forming a good judgment from that inquiry, which, added to other information, is, I think, conclusive.

2042. Your experience has been simply confined to Aldershot and to the hospital in the Harrow-road?—No, I would say that I have always had a good deal of experience. It is 30 years ago since I commenced my professional education, and I was then, and always have been, placed in a position where I could see a good deal of venereal diseases and their results. One reason for my leaving private practice, which would have brought me in a better income, and would have been more comfortable for me, was mainly due to observation of the intense suffering of a friend who, if the Contagious Diseases Acts had been applied to Oxford in the year when he, a mere lad, in a thoughtless moment was led astray and diseased, would not have caused 30 years of the most miserable life that a man could possibly exist under.

2043. You would apply the Contagious Diseases Acts to Oxford for the sake of the Divinity students?—I would, for the sake of every one who could be benefited by them.

2044. Allow me to ask you with reference to this question of comparison between yourself and Mr. Simon?—There is no comparison intended by me. I beg leave to say so at once. I am saying merely that my opinion does not coincide with his on this subject. I gave you my simple belief that the information I had obtained is more reliable than that got from inspectors, however eminent, which is not derived from direct observers of the whole subject.

2045. Your opinion is, therefore, that your medical experience makes you a more reliable judge of this question?—Not at all. I am not saying anything of the kind. I decline to put

Mr. Stansfeld—continued.

myself in such a position at all. My statement applies alone to the prevalence and character of disease generally, and with regard to the Contagious Diseases Acts, and the women brought under them at the stations where they are subjected to them, and the information which I have received from unsubjected stations and other places, make my opinion on this matter at least as valuable as Mr. Simon's.

2046. There are two things which I will put before you first of all with regard to the specialist; to a certain extent you admit yourself to be a specialist, that is to say, your mind and time have been largely concentrated upon the treatment of cases of this description, is not that so?—It is making me more of a specialist than I can allow myself to be. As I tell you, I had been formerly for many years in private practice; but although the women that enter my hospital, one and all, come in with contagious diseases, they suffer also from other kinds of illness, so that I am not warped by the treatment of one special affection.

2047. But take it with whatever qualification you like, to a certain extent it would be correct to say that you were a specialist whose mind and time have been largely occupied with cases of this description?—They have taken up a great deal of my consideration and my time, certainly.

2048. That fact, of course, as is evident, gives you a special experience of your own with regard to those cases within the places where your experience has been obtained; but have all those circumstances no tendency upon the mind of a specialist to exaggerate the importance of the cases with which he has to deal with regard to the interests of society at large in comparison with the other diseases to which humanity is subject?—I do not wish to exaggerate, I assure you. I know very well that I am an impulsive man, and that when I take anything into consideration which has a special degree of interest to me, I am apt, I do not mean to say, to make my case too strong, but to clothe it in what may appear warm terms. But I believe I have never exceeded the truth, and I may say the same of all the people that I have come into contact with who are engaged in carrying out these Acts. I will allow that it is rather difficult for me, occasionally, having been deceived so often, to believe some statements that, probably, may have a smattering of truth in them, and thus prefer my own judgment to that of some others.

2049. I did not mean to bring a charge against you in any offensive way, I assure you; but what I mean is that, comparing you with Mr. Simon, is not it natural to suppose that you, whose special experience has been of late years in Aldershot, and not in the country at large, might be disposed to take an unfavourable view of the amount and severity of venereal disease in the country at large, more easily than you ought to take it?—It is possible.

2050. Now let me take the case of Mr. Simon; he is a gentleman who has passed his life at the head of a medical department, whose function has been to advise the Government of the day on the conditions of health and disease throughout the whole country; he and his staff have been trained and accustomed to collect statistics which should be reliable as affecting the whole; do not you think that that is a condition of things which makes his authority upon this question as affecting

Mr. Stansfeld—continued.

affecting the whole country, and the extent and severity of disease, greater than the authority of any single medical man like yourself?—Has he on this particular subject had full and reliable statistics? The only statistics that I have ever heard of his having are those of some voluntary Lock hospitals; and if that is all the information he has collected, it is not a safe amount to conclude upon.

2051. You are mistaken, that is not Dr. Simon's means of information?—Then I have been under a misapprehension. I certainly gathered that from the very able article which you have mentioned. When I say a voluntary lock hospital, I should include hospitals where there are lock wards, but they are all voluntary; that was my meaning.

2052. I cannot at this moment give you the particulars, but perhaps you will take it from me that Mr. Simon's recommendation to the Privy Council not to extend these Acts to the civil population was based upon largely conceived systematic inquiries?—So far as I remember, and perhaps you will correct me if I am wrong, according to your own recollection, I think that those statistics were got from hospitals having Lock wards, and perhaps from some workhouses. Years ago I was in practice as a visiting assistant where we had the treatment of the poor in a workhouse, and cases of syphilis of a severe form were there.

2053. You can hardly assume without any specific knowledge of the subject that a man in Mr. Simon's position would make a report without utilizing the means at his disposal, or instituting sufficient inquiries?—I have already said that everything that comes from him is worthy of the very highest consideration and respect, but I certainly would venture humbly to consider that the opinion of myself and others connected with these Acts would probably be preferable to his own (I mean no disrespect) on anything that we are daily made cognizant of. I go so far as that, but no farther.

Chairman.

2054. You notice that the questions which I addressed to you had reference to the present time and not to what happened 10 years ago; I suppose you think a great deal may have changed in 10 years?—Yes, there is no doubt a man gets older in ten years, and not always happier.

Colonel Alexander.

2055. With regard to what the Right honourable Gentlemen the Member for Halifax has put

Colonel Alexander—continued.

to you, you are aware that Mr. Simon is strongly in favour of these Acts being applied to garrison towns?—I have been informed that he makes that exception, and that the objections which the Right honourable Member for Halifax mentions are to their being applied to the civil population.

Mr. Stansfeld.

2056. You are not prepared to say that Mr. Simon has expressed any opinion in favour of the Acts as applied to the present stations?—I do not know of individual statements, and cannot of course answer for Mr. Simon; I have been told that he certainly stated something to the effect, that benefit might be found from the Acts being applied to garrison towns. I am not prepared to go beyond that.

Sir Harcourt Johnstone.

2057. Do you think that the venereal disorder has abated in virulence within the districts where the Acts are enforced?—Decidedly so, where directly applied.

2058. How do you account for the fact that you gave to us that it is imported from outside?—So long as we can be isolated, that is, so long as movements in the camp do not take place, you will find that the disease lessens in severity and number; but, as I say, we depend for our statistics being raised entirely upon the importation of disease from the outside.

2059. Is it not probably the case that the virulence of the disease is abating in the districts outside if you derive from the outside the greater part of the disease that you have in your protected stations?—I believe this, that the enforcement of the Acts in the protected stations has more or less affected the whole country beneficially; there is no doubt about that, but much and very severe disease still prevails.

2060. As the whole country is not under the Acts, and your disease is constantly coming in from the outside, and as you say that the disease generally is abating in virulence, surely it must be abating outside as fast as it is within?—I cannot see that at all. If I get disease from other places so frequently, how can it be abated?

2061. I speak of the disease being abated in virulence?—I candidly say this, that bad cases come into the district on purpose to gain admission to the hospital, the women for this purpose travel in a very diseased state; and their condition is not known, probably, till they get badly diseased; but they do not hesitate to afford sexual intimacy before presenting themselves for examination.

Surgeon-Major FREDERICK ROBINSON, M.D., F.R.C.P., called in; and Examined.

Chairman.

2062. You are Surgeon Major of the Scots Fusilier Guards?—Yes.

2063. How long have you held the position of medical officer in that regiment?—About 27 years.

2064. In your experience has your attention been directed to the nature and extent of syphilitic and analogous diseases in that regiment?—Yes.

2065. Will you kindly state to the Committee what your first impressions were on entering the regiment with regard to the prevalence of those

Mr. Barr, M.D.
24 June
1879.

Chairman—continued.

diseases?—I found the disease prevalent in the Guards, as I had previously noticed in the regiment of the Line in which I had previously served.

2066. Did you take any action on entering the Fusilier Guards with regard to the extent and prevalence of those diseases?—No; my position then was a subordinate position.

2067. Afterwards, when you come to rise to a higher grade in the regiment, did you then make any representation to the commanding officer with regard to the prevalence of those diseases?—

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Surgeon-Major Robinson, M.D., F.R.C.P.

Yes;

Surgeon-
Major
Robinson,
M.D., F.R.C.P.
24 June
1879.

Chairman—continued.

Yes; when I arrived at a higher rank in the regiment, the rank of battalion surgeon, I was stationed at Windsor, and there the extent and severity of syphilis led me to make a representation to the general commanding the brigade of Guards; that was in the year 1857.

2068. Will you state to the Committee as fully as you can what the purport of this representation was?—It was contained in a letter which I then addressed to the general officer. The commencing paragraph embodied the condition of the men, and I then stated, "The diseased condition of the men in the battalion under my medical charge having led me very seriously to consider whether any precautionary or sanitary measures could be adopted. I trust the importance of the subject may be admitted as a sufficient plea for me to solicit attention to the matter. Three-fourths of the sick of this battalion consist of venereal cases, and, with a nominal strength of 659 non-commissioned officers and men, 30, or about 4½ per cent. are in hospital with that disease, many men suffering from a form of it so severe as to render them inefficient for a considerable time, notwithstanding careful measures to insure an early discovery of its existence." I may say, experience in Dublin, Clonmel, and Limerick for five years, from 1847 to 1852, showed me the great extent of syphilis there.

2069. Those were the representations you made to the general commanding?—That is the commencement of the letter containing the representations.

2070. What was the action taken upon that letter?—No action was taken.

2071. That letter was written, I think you say, in 1857?—Yes.

2072. At the date of that letter, which was before the passing of these Acts, did any facts concerning the nature and extent of those diseases force themselves upon your notice?—The fact of the continued existence of the evil there to the same extent.

2073. Up to the date of 1864?—Up to the date of 1868 of the application of the Act.

2074. Was there no amount of falling off, or diminution, in the diseases in your regiment?—None at all in the number of cases at Windsor.

2075. Between the date of 1860 and the date of 1868, when the Act came into operation, I want to know whether any diminution in the number of cases was perceptible to you?—None at all.

2076. You had as many cases under your charge as before?—Quite as many.

2077. As regards the virulence of the disease and the severity of its form, was there any falling off in those respects?—None whatever.

2078. That is to say, the intensity and severity of the disease was as great as ever, and the cases more numerous?—Quite so.

2079. Have you any observation to make with reference to your experience between 1860 and 1868?—I have a remark to make which bears on that, that in the year 1867, the year before the Act came into operation, a medical officer of a regiment at Windsor, ascertaining that syphilis

Chairman—continued.

proceeded chiefly from the inmates of a noted brothel, obtained a picket to prevent the men having access, and thus obtained temporary good results in the diminution of disease.

2080. I understand you that the regimental authorities placed a guard over this brothel to prevent access?—Yes.

2081. And that was in consequence of so much disease being contracted inside that establishment?—Yes.

2082. In 1868 the Act came into force; will you kindly give the Committee your experience of the operation of the Act with regard to the soldiers who were under your medical charge?—The operation of the Act was most favourable to the diminution of disease at Windsor.

2083. How soon did any amelioration show itself?—The amelioration showed itself immediately that the Act was put into force there.

2084. That is to say, in the subjected stations?—Yes.

2085. Which were the subjected stations that your regiment occupied?—Windsor first.

2086. In this very town where in 1867 the regimental authorities had been obliged to put a guard over the brothels, you say that there was an amelioration quickly seen?—An amelioration to a partial extent took place then in the diminution of the disease, which had existed in 1867.

2087. Are you able to tell us of your own knowledge what the diminution was in the first year or two?—With regard to that opinion, I cannot say precisely the amount of diminution; but I can say that the disease was diminished by that procedure.

2088. You told us just now that in 1867 this occurrence took place to which you have referred with regard to the picket; can you remember when the battalion that was under your charge went next to Windsor?—I was not there myself in that battalion; I have not been stationed at Windsor subsequent to that year.

2089. As a matter of fact you know that there was a great diminution of disease?—I know that there has been a great diminution of disease between 1868 and the present time from the application of the Act.

2090. That amelioration having been established when the battalion was at Windsor, what happened when the battalion returned to London?—When the battalion returned to London they were subjected to the disease existing as it did to a great extent in London, and as it does now.

2091. Was any of the amelioration which had been established at Windsor lost when the battalion returned to London?—Decidedly so.

2092. Was it your opinion that that amelioration was lost in consequence of the London district not being subjected to the operation of the Acts?—Certainly. The great benefit derived by the troops at Windsor was lost when they came to town by the virulence of the disease in London.

2093. Have you a table which you can hand in showing the state of disease amongst the Scots Guards at Windsor from 1864 to 1876?—Yes. (*The same was delivered in.*)

Monday, 28th July 1879.

MEMBERS PRESENT:

Colonel Alexander.
Mr. Cavendish Bentinck.
Viscount Crichton.
Sir Henry Holland.
Sir Harcourt Johnstone.
Mr. Kavanagh.
Mr. Shaw Lefevre.

Mr. Massey.
Mr. Ernest Noel.
Mr. O'Shaughnessy.
General Shute.
Mr. Stansfeld.
Mr. John Tremayne.

THE RIGHT HONOURABLE WM. N. MASSEY, IN THE CHAIR.

Surgeon-Major FREDERICK ROBINSON, M.D., F.R.C.P., re-called; and further Examined.

Chairman.

2094. Do you wish to state anything to the Committee in addition to your former evidence?—I wish to state the different motives that induced me to write the letter to which I have referred, in 1857, to the general officer. The first was the serious loss to the country from the great extent of disease amongst the men, and the effects, directly or indirectly, on invaliding and the development of chest disease.

2095. Was that letter which you addressed to the general officer in 1857, founded solely on your experience as regards the Scots Guards, or was it founded on a wider experience?—It was founded upon a wider experience. That was the leading motive on my part; and then another was the injury to the offspring of the soldiers in consequence of their marrying before they were cured from disease, and the constitutional disease thereby propagated. And then a third motive was what I may venture to call both a moral and a religious one, and that was the reclamation of fallen women. In that letter I ventured to propose the establishment of Lock hospitals with free access to women as at least one means of lessening the extent of the evil. My views since then have been modified by finding, from recorded experience, that women do not make use of the Lock hospitals, that they would not go voluntarily.

2096. In what way did you acquire that experience, that women will not resort to the hospitals voluntarily?—It was founded upon observation, both public and private, of the medical and general press, and returns.

2097. You had no knowledge of your own on which you found that opinion?—No, it was founded upon general observation. This view was furthered by a circumstance that occurred about 15 years ago, with reference to the detachment of my regiment, stationed in the Magazine Barracks in Hyde Park, about 1860; it was some years before any Act was in operation. At that time the worst cases of phagedœna (sloughing sores) that I have ever seen were admitted in rapid succession from that barrack. Inquiry

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Chairman—continued.

showed that this disease was communicated by some two or three women, prostitutes of the lowest order; they were houseless and homeless, and they slept in the ditches adjacent to the barrack. Steps were taken to induce them to enter the hospital, and when that was accomplished, the outbreak ceased. Another point that I would refer to is the fact of the youth of the soldier at the present time contrasted with former periods, and the inferior physique of the recruit. They are more of the mechanical and artisan class, and consequently more obnoxious to the disease, and there is less of capacity from those two causes to resist the disease. I would venture to refer to the experience of some five years before I joined the Guards. It is referred to in my letter to the General Commanding, and it is with regard to the great prevalence of syphilis in Ireland, where I served then. I was stationed at three large garrison towns in Ireland: Clonmel, Limerick, and Dublin, and the disease prevailed there to a very great extent. At Limerick a very large number of men were laid by with a very severe form of syphilis. The hospital was crowded, and the regiment was rendered for a time ineffective. Then I may add that I, for years past, have represented to the military authorities in London, including my own commanding officer, the great evil of the extent of syphilis in London, the crowding of the hospitals, cases requiring, in fact, more accommodation than we have to give. Besides representing the evils and the loss to the country, I represented the great importance of attempting some repressive measure; by repressive measure, I mean, if possible, extending the operation of the Contagious Diseases Acts to London.

2098. When did you make this representation?—In different annual reports furnished year by year by the medical officers in charge of the regiments, and also particularly by a special report on the accommodation in the hospitals, addressed to my commanding officer some months back.

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2099. Not

Surgeon-
Major
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M.D., F.R.C.P.

28 July
1879.

Surgeon-
Major
Robinson,
M.D., F.R.C.P.

28 July
1879.

Sir Harcourt Johnstone.

2099. Not in the shape of a Parliamentary paper?—No.

Chairman.

2100. Were you surgeon to a regiment of the line before you came to the Guards?—I was assistant surgeon in a line regiment.

2101. Was your attention directed to this subject then?—It was not.

2102. When was your attention first directed to the disease amongst the men?—I had observed it to a great extent in my previous regiment, but I particularly refer to the time in 1857, when I was stationed at Windsor, and although a junior in point of position, in charge of a battalion there. I may, with regard to that letter, be permitted, perhaps, to express my satisfaction that the measures which I advocated then were in a great degree embodied by subsequent legislative action.

2103. But at the same time the authorities did not see their way to any course of procedure?—No, my proposition was thought impracticable.

2104. Since you wrote that letter has the opinion which you then expressed of the necessity of some special interference to arrest the progress of this disease been in any degree modified by subsequent experience; have you changed your mind at all?—Not in the least. My views have been strengthened. In one point they have undergone a modification, viz., the insufficiency of Lock hospitals without measures coercive, if I may use the expression, to oblige women to go there. I mention this from the well-known fact that women really are not aware of the extent of the disease, and of the extent of the evil that they do.

2105. What is the general practice in the Scots Guards, speaking from your knowledge of them; do they examine the men?—It had always been the practice when I joined until late years. I cannot say the precise date when it fell into disuse. It was revived again at the time when the Contagious Disease Act came into operation. On an inspection which it was necessary to make before the men went to a protected district, so many men were found diseased that with the sanction of the commanding officer it was resumed and it has been continued since.

2106. Then it is the practice now?—It is the practice now.

2107. Have you yourself expressed, or have you ever heard any of your professional brethren express extreme repugnance to this particular duty of examining the men?—I cannot say that I have heard directly anything to that effect, but I am aware that every medical officer must view it as a repugnant duty; but in the Line regiment, before I joined the Guards, the way in which the duty was performed was much more (if I may say so) indecent and repugnant than it was in the Guards. In the Guards, whenever I have made an inspection, or have known it done, it has been done with much greater regard to privacy, and also more effectually; and my own view is strong as to the expediency of its being continued.

2108. I need hardly ask you whether a regular examination of the soldiers would not contribute very much to the efficiency of the Acts?—Undoubtedly so.

2109. Would you go so far as to say that such

Chairman—continued.

an examination is essential for their efficiency?—Without saying that it would be absolutely essential, I think it would be very desirable that an examination should be made, both in the protected and in the unprotected districts.

2110. Is not the examination of one agent alone, where there are two agents capable of imparting infection, obviously imperfect?—I should say so.

Mr. Kavanagh.

2111. I understand from what I have heard and read of your evidence, that you certainly are in favour of the Contagious Diseases Acts?—Decidedly so.

2112. And perhaps I might add, of their extension?—Certainly.

2113. You consider them absolutely necessary for the health of the army?—In all garrison towns I do.

2114. Do you remember the time when Lord Cardwell's Order was issued, stopping the pay of the men who were confined to hospital, as I think the words are, "from any fault of their own"?—I perfectly remember that, and the fact was, that previous to that, about a year before, I had written an article in a leading military journal, pointing out the great injustice to our well-conducted soldiers by being placed, as regards hospital stoppages, on the same system as the vicious, ill-conducted men. That seemed to me so palpably unjust that I pointed it out, and I pointed out the fact that a soldier who came in with syphilis, remained there, accumulated his pay, went out and repeatedly came back again, thereby, in fact, having the means afforded him of further vice, whereas the moral married soldier, it may be, who caught a disease in the chest, on guard, was put under the same stoppages in hospital, and in fact virtually often performed the duty of his vicious comrade whilst in hospital.

2115. Was not the result of that Order the concealment of a great deal of disease?—That has been alleged, but in my experience I cannot say that I have seen it verified; in fact, some experience that I have had within the last few months bears upon that point. In common with most other regiments, the men were subjected under that Act to hospital stoppages, but the commanding officer authorised it to be suspended within the last three or four months, and only men were put under stoppage who had avowedly concealed their disease. I have noted the number of admissions and the nature of the cases since then, and I really observe no difference between the number of admissions for syphilis and the number of cases of concealment or attempted concealment, both before and subsequent to that period. My own idea is this, that with the class of soldiers that we have now, with a rather inferior morale, there are men who always will, if they can, keep out of hospital and conceal their disease under every circumstance, whether punishment is given or withheld.

2116. I presume in regiments where this examination of the men is a regular institution, that concealment is impossible?—Not impossible, but nearly so; I say it is not impossible; it will depend in some measure, certainly, upon the diligence and care of the medical officer, as to whether his inspection is perfectly efficient or not. A careless medical officer might not detain
a man

Mr. Kavanagh—continued.

a man, or he might allow a man to pass hurriedly by.

2117. Then, at present, I understand you to say that Lord Cardwell's Order is only applied to men who conceal their disease?—No, I allude to the order of the commanding officer of my regiment. In so far as I am aware, the original Order holds good.

2118. I mean as regards the regiment that you are in?—Merely as regards my regiment it is suspended.

Mr. John Tremayne.

2119. Do you say that the soldiers in the Scots Guards are examined now or is the examination discontinued?—The examination has taken place since the period to which I referred.

2120. How often are the examinations?—It was about once a fortnight, but owing to the extent of syphilis and to my representation, it has been made, as nearly as the duties permit, once a week.

2121. Do you know what the practice in foreign armies is with regard to the examination of the men?—I cannot say.

2122. You do not know what the practice in the German army is?—I do not.

2123. You said that you would advocate the extension of the Acts; to what degree would you advocate their extension?—To all garrison towns.

2124. Not to the civil population?—I am not prepared for that.

Mr. Stansfeld.

2125. I think I understood you to say that you have only changed your opinion upon this subject in one respect of late years, and that is, that founding yourself not upon your own experience, but upon what you call the recorded experience of others, you are disposed to disbelieve in the efficiency and utility of voluntary Lock hospitals?—Yes.

2126. Upon what is that opinion founded?—Upon general observation of the working of the Acts.

2127. This particular opinion is founded, as I understand you, not upon your own knowledge of the working of voluntary Lock hospitals, but upon what you understand to be the general medical opinion upon the subject?—It is founded on what I have seen stated in the various journals, medical and otherwise, and on the opinion expressed by medical men; and also I find, with reference to London, that the Lock wards in many of the hospitals have not been much frequented.

2128. Are you prepared to say at this moment, of your own knowledge, that the Lock hospitals are not frequented?—I have made an inquiry within the last few days, and I am informed that the Lock wards in the various hospitals are not made much use of.

2129. Have your inquiries been sufficiently specific upon this head to make you desire that this evidence of yours should remain upon record?—I can only state the general impression that I have formed from my informant, who is a gentleman well qualified to give information.

2130. That opinion which you have just expressed is based upon the information of one individual?—Yes, I may say it is.

0.116.

Mr. Stansfeld—continued.

2131. With regard to Lord Cardwell's Order, I think I understand you to say, first of all, that you approve of the Order upon moral grounds?—Yes, on moral grounds, I do.

2132. It seemed to you almost a premium upon sexual vice in the men that they should come into hospital, and that during their treatment for venereal disease in hospital their pay should accumulate, probably to be spent in the renewal of vice and disease after their leaving the hospital?—Yes.

2133. But that Order has been a good deal criticised in the belief that it has led to the concealment of disease, and that at least it had this effect of making the Army Medical Report statistics admittedly unreliable, I mean by the Army Medical Department itself; are you aware of that?—I am aware that it is questioned.

2134. Do you doubt the concealment of disease to any considerable extent?—I can only speak to my own regiment; I cannot speak with reference to the Army Medical Department generally, but I speak from observation of my own regiment, as I mentioned just now. I have not perceived during these last three months, since this order for stoppage was suspended, any appreciable difference in the number of men coming to the hospital with syphilis, or in the number of those cases in which, more or less successfully, an attempt at concealment has been made.

2135. But has it not occurred to you to consider whether concealment is possible in your regiment by men whom you examine once a week?—Concealment is possible to a certain extent. I suppose that no health inspection, apart from a mode of procedure which would make the act of inspection still more objectionable, can prevent occasional cases of concealment owing to the position of the sores.

2136. Would you be prepared to expect that, with a weekly examination of the men, conducted by competent medical officers, the cases of possible concealment must be very much more rare than when an examination does not take place?—Undoubtedly, much less than would be the case without examination.

2137. So that the fact of your not having discovered much concealment in consequence of Lord Cardwell's Order in a regiment of men who are examined once a week has hardly much bearing upon the operation of that Order?—Experience is limited necessarily.

2138. You do not mean, I suppose, because your experience is limited to that regiment?—My experience is limited to only a short period of observation since the stoppage was suspended.

2139. You have only had a short period of observation, and that short period of observation is applied only to a regiment which is examined once a week, and under those circumstances, and within a limited period, you have not been able to discover much concealment of disease consequent upon the remission of the operation of Lord Cardwell's Order?—My remark was, that there was little or no appreciable difference during that period.

2140. Did you say that Lord Cardwell's Order was suspended by your commanding officer?—Within the last three months it has been suspended. In one regiment of the Guards the Order, I think, has been in force from the beginning,

Surgeon-
Major
Robinson,
M.D., F.R.C.P.

28 July
1879.

Surgeon-
Major
Robinson,
M.D., F.R.C.P.
—
28 July
1879.

Mr. Stansfeld—continued.

beginning, but in another I have reason to believe it had not been put in operation from the beginning; that is my impression. In my own regiment it had been in operation until the last few months.

2141. Therefore, so far as your information goes, in dealing with the statistics presented to Parliament in justification of these Acts by the Army Medical Department, we are not able to assume that Lord Cardwell's Order has been uniformly applied and carried out?—I apprehend that it is only in the Guards where there has been any modification.

2142. No other modification has come within your observation?—No.

2143. But I suppose it would not be in your power to assure us that no other modification has occurred in any other part of the forces, would it?—No, it would not.

2144. With reference to the particulars of the disease in your own battalion at Windsor which you have given us, you told us that in 1857 you made a written recommendation to the general commanding the brigade of Guards, and you said that at that time, three-fourths of the sick of the battalion consisted of venereal cases, and with a numeral strength of 659 non-commissioned officers and men, 30, or about $4\frac{1}{2}$ per cent. were in hospital with that disease; do I understand you as meaning $4\frac{1}{2}$ per cent., which would be somewhat equivalent to 45 per thousand, were at that time the number of men constantly sick in hospital from venereal disease?—At the period when I wrote, that was about the proportion of occupants of the hospital, to the best of my recollection; that would represent the pre-existing state of disease at Windsor.

2145. That is an average throughout the year of 45 per thousand, in consequence of venereal disease. Are you quite sure of that?—I am quite sure that the figures recorded are the result of that condition of things.

2146. Let me tell you why I put this question to you; I do not know whether you are aware of the source from which the figures of the army reports at the time were compiled, but this is a per-centage of which I know of no example, and there is the greatest difference in the world between the number of cases per thousand admitted to the hospital in the course of a year, and the average number who are constantly in the hospital. Of course to ascertain the average number who are constantly in hospital, you must divide the number of admissions per annum by the average number of days that each sick person is confined?—My representations, I apprehend, would be founded upon six months during which the battalion was stationed there.

2147. Therefore you believe that this number, 45 per thousand, constantly sick in hospital, would apply to so long a period as six months?—Yes, to six months generally.

2148. In subsequent answers to questions, you further say that the evil existed up to the date of 1868, the application of the Act; that there was no falling off at all in the number of cases at Windsor, and no falling off in the virulence of the disease, or the severity of its character; in fact, that the conditions which you have just described, obtained in your battalion up to the year 1868, when the Act was applied to Windsor?—I must correct my remarks in so far that I find I was in error in stating 1868; I

Mr. Stansfeld—continued.

should have put it 1867, and in 1867, as I stated in my evidence at the last meeting, owing to representations made by us, the commanding officer had picquets placed over the entrance to particular brothels, and to that circumstance I apprehend that the reduction apparent in those returns of the cases of syphilis is attributable.

2149. Up to 1867, it is your belief that the condition of things which you have described as existing in 1857, continued?—Previous to 1867.

2150. Then in 1867 you had a sudden diminution of disease, and you have given us an account of the probable cause of that diminution; that cause was, was it not, the practical suppression, so far as the soldiers and the Guards were concerned, of a brothel or brothels containing a number of diseased women?—Yes.

2151. Therefore, so far as that particular experience is concerned, it is not an experience in favour of the system of the periodical compulsory examination of women, but of the suppression of a low class of brothels?—I scarcely stated that. I merely stated the fact that owing to the circumstance of access being denied to the soldiers, I attribute the reduction in the number of cases at that time. I am not prepared to go farther than that.

2152. It is not necessary that you should go farther; all that I want to know is to ascertain the character of that circumstance, which is this: that a certain source or opportunity of vice, and a source of probable disease, was simply suppressed or rendered impossible of access to the soldiers living there, and thereupon the disease declined?—Yes, the disease declined thereupon.

2153. Then the Acts were applied, I think, on the 1st of April 1868. Have you before you, and are you familiar with the number of admissions, year by year, with primary sores and gonorrhœa in Windsor since the year 1867?—I have the recorded admissions during the period that the battalions of my regiment served there; not before that period.

2154. Have you served at Windsor since 1868?—I have not served there myself since 1868, but I have the recorded figures from the year 1870, which was the first period after the operation of the Act down to 1878, the last period of service of the regiment at Windsor.

2155. Have you not got 1868 and 1869?—My regiment was not there, and therefore I have not; it only begins with 1870.

2156. How many regiments are there generally at Windsor?—Only one battalion of the Guards and a cavalry regiment.

2157. Those would amount, as we are informed, upon an average of something like a thousand?—Certainly, perhaps more than a thousand sometimes.

2158. And that would be a battalion of Guards and a regiment of cavalry?—Yes.

2159. In 1867 I find that the admissions for primary sores and gonorrhœa at Windsor were 58 for primary sores, and 56 for gonorrhœa per thousand; are you aware that that was the case?—I have seen that stated in the Army Medical Returns; I may remark that in the cavalry regiment that is there at present, I believe that examinations have not been customary for the detection of syphilis in the Household cavalry.

2160. Have you got the figures for London since the year 1867?—I have in my hand a state-

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Mr. Stansfeld—continued.

ment of the number of cases of syphilis during the last tour of duty of my battalion in Windsor, contrasted with a period of three months in London, and also a period of six months in London. (*Return handed in for publication.*)

2161. We have the figures for London and Windsor separately since the year 1867, but we have not the figures for London and Windsor separately before 1867; it has not yet been explained to us entirely why it is impossible to sever the figures of London and Windsor before 1867; you being somewhat familiar with Windsor, can you give us any explanation of that impossibility?—I cannot; it rests with the Army Medical Department.

2162. I presume that the Army Medical Department Returns which were made from Windsor before 1867 on this subject, ceased after 1867?—Any returns that I have cognisance of would only relate to my own regiment.

2163. That return was sent up before 1867 to the Army Medical Department?—The returns of the sick would be —

2164. Taking, not only your own battalion but the whole of Windsor as a place where there is a certain infantry and cavalry force, will you take it from me for the moment that between the years 1860 and 1866, taking London and Windsor together, the average yearly admissions for primary sores and gonorrhœa are very largely below the admissions for London alone between the years 1867 and 1878?—I have no reason to suppose one way or the other. I cannot recollect.

2165. When we come to the year 1867, and sever Windsor from London, we find the figures for Windsor very much lower indeed than the figures for London; we find the figures for London correspondingly higher than the figures for London and Windsor combined before the year 1867; those being figures which can be proved if you will take them from me, would not it suggest to your mind that in Windsor, before 1867, the figures must be much lower than the figures for London itself?—It is a point which I can express no opinion about.

2166. Naturally your experience at Windsor, to begin with, is confined to your own battalion, and that before 1867; to what length of time was it confined?—It is confined, not to my battalion alone, but to a knowledge of the great extent of syphilis at Windsor in the Foot Guards generally previous to that time.

2167. During what period of time were you stationed at Windsor?—I was stationed there, I think, from the beginning of 1853; that was, I think, the first period when I was stationed at Windsor, and the first six months' tour of duty, to the best of my recollection, was the first six months of 1853.

2168. You were there six months in 1857, were you not?—I cannot recall; I was doing duty at Windsor between those periods, but I cannot recall the exact period when I did duty, but it was certainly more than once within that period. The ordinary periods of duty were six months at a time, but I cannot state actually how many there were.

2169. That is to say, it would be between the years 1853 and 1866?—Beginning from 1853 up to the time that I wrote my letter in 1857 I had experience in Windsor several times. At different times I was stationed at Windsor between 1857 and 1866.

0.116.

Mr. Stansfeld—continued.

2170. Referring to the number of admissions to the hospital in London for primary sores and gonorrhœa at the present time when we have London separated from Windsor, are you prepared to say that the number of admissions in Windsor during those years from 1860 to 1867 were as high as the admissions in London since we have the figures for London and Windsor separately given?—My experience is, that without coming to exact figures, the extent of syphilis in London now, the general extent of syphilis, is much on a par with the existing state of disease in Windsor at the time before and subsequent to the period when I wrote.

2171. Let me test that impression, because I think I can show you that that impression must be an erroneous one. The Acts were applied in Windsor on the 1st of April 1868?—Yes.

2172. Now take London and Windsor combined; the admissions to hospitals with primary sores between the years 1860 and 1867 varied from 132 to 151 per thousand; that is London and Windsor combined, between 1860 and 1866. Then Windsor is severed from London, and the figures of London between 1867 and 1878 vary from 144 to 250, leaving a very much higher average for the later period of years. Now I ask you this question. If your impression were true that during the period from 1860 to 1866 the number of admissions in Windsor were about equivalent to the number of admissions in London from 1867 to 1878, would it not follow that the London admissions between 1860 and 1866 would be largely less than the number of London and Windsor combined?—I think that Windsor and London being combined as it was in the former returns, must to a certain extent, it may be, lessen the value of the returns.

2173. So far as I can judge from this return, the mixing up of Windsor and London lowered those figures?—It may have modified them.

2174. That would mean, would it not, that the figures for Windsor were lower at that time than the figures for London?—I am scarcely prepared to say that.

2175. If you find that the figures for London and Windsor combined are very greatly lower than the figures for London alone, and when you find that the figures for Windsor are about one-third lower than those for London, to what is that probably due?—I am scarcely prepared to express an opinion.

2176. Let me take the figures for Windsor since the period that I refer to. You know you have compared Windsor with London, but is it a fair comparison for statistical purposes. Taking small stations and comparing them with military stations in large and populous cities, with all their temptations, would you not expect to find a greater amount of disease contracted in large cities?—That is a point which I am scarcely clear about. I think facilities formerly were certainly afforded by Windsor for prostitution and all its attendant evils to a very marked extent, and doubtless in London, a much larger place still, facilities, in like manner, are afforded also, and with the same results.

2177. Supposing that I take the stations not under the Acts, the average figures of admissions to hospitals are compared sometimes unfavourably with the figures in the stations under the Acts, but are you aware that that unfavourable comparison entirely depends upon the extremely

Surgeon-
Major
Robinson,
M.D., F.R.C.P.

28 July
1879.

Surgeon-
Major
Robinson,
M.D., F.R.C.P.

28 July
1879.

Mr. Stansfeld—continued.

high figures to be found in the seats of great populations?—I was not aware of that.

2178. Taking the case of Windsor, and the average from 1867 to 1878, are you able to tell me of cases in which Windsor can compare favourably with the unsubjected stations in the number of its admissions?—That is a point, I may say, which I really have not studied in other places. I have had no experience.

2179. It would be a very important comparison for the purpose of considering the influence of these Acts, would it not?—Possibly so.

2180. Will you take it from me that the average number of admissions for primary sores in Windsor, from 1867 to 1878, is 73 per 1,000?—I may take it from you, but I have not tested it.

2181. I will now take the stations not under the Acts, and I want to ascertain whether those stations compare favourably or unfavourably with Windsor. In the Isle of Wight I find that the average number of admissions during the same period for primary sores is 71 per 1,000; that is to say, rather less, is it not, than Windsor?—Yes, if that is so.

2182. I find with regard to Warley, that the average is 62, which is decidedly less than Windsor, Windsor being 73; and I find that with regard to Hounslow the average is 67; as to Pembroke Dock, the average is 30; as to Edinburgh, the average is 57; as to Fermoy, the average is 45; and Athlone, the average is 31; and even in the large town of Belfast the average is 71. I will now call to your attention the cases in which Windsor compares favourably with stations not under the Acts. In London the average is 176; in Sheffield the average is 100; in Manchester, 120; in Preston, 98; in Limerick, to which you yourself have referred, it is 79; and in Dublin, 125. What I want to ask you is this: assuming that those figures are correct, which I think you may take from me as correct, is it not evident that the amount of disease depends very much upon the character of the station in which the soldiers are placed, and not only upon the existence or non-existence of certain Contagious Diseases Acts, and do you not find the largest proportion of disease in stations that are in the midst of large city populations, such as London, Sheffield, Manchester, Preston, and Limerick?—It would seem so.

2183. At least this is clear, is it not, from these figures, that with the exception of those very large populations, every one of those unsubjected stations compares favourably with Windsor with regard to the admissions for primary sores?—From what you have read, it would seem to be so.

2184. To go back to Windsor, you have shown that there was, in spite of those facts, a considerable reduction in the amount of disease at Windsor since 1867?—There has been.

2185. We cannot quite ascertain the figures before 1867, and I am disposed to doubt your impressions to a certain extent, but I think we may take it, and I am prepared to take it, that the amount of disease in Windsor began to diminish in 1867, about the year before the Acts were introduced?—Owing, I apprehend, to the measures which I have mentioned.

2186. You have given the cause of the reduction in the year 1867, and that cause of reduction then was the practical suppression of a brothel which

Mr. Stansfeld—continued.

was occupied and infested by very diseased women; now I want to draw your attention to some other causes of the reduction of disease in Windsor. Will you look at page 18 of Captain Harris' Report for the year 1878 (*handing a Paper to the Witness*); take the year 1868 when the Acts were first applied; at that time there were in Windsor, were there not, 15 brothels, including in the word "brothels," public-houses and beerhouses where women resided, or where they were allowed to prostitute themselves?—Yes, I find the total of 15 in the year 1868.

2187. And in the year 1869 you find that number reduced to seven?—Yes.

2188. And it is about that time, is it not, that you find, irrespective of the year 1867, the beginning of a considerable decrease in the amount of disease at Windsor?—Yes.

2189. So that the reduction in the amount of disease in Windsor appears to have dated from the suppression of eight out of 15 brothels in Windsor, and probably those eight were the worst eight of the 15; would you not infer that?—Possibly. May I be permitted to remark the absence in all subsequent years of any reference to the public-houses or brothels in the report.

2190. Those figures are very remarkable, and I am going to take you through them; if you carry your eye down this column 12 of Captain Harris' Report, do you not find that in 1870, 1871, 1872, and 1873, there were no brothels in Windsor?—None are stated here.

2191. And in the year 1874 you find three brothels; and in the year 1875, two; in 1876, one; and in 1877 and 1878 you find again no brothels at all?—So it is stated.

2192. Therefore the reduction of the disease in Windsor seems to be very much referable to a reduction in the number of brothels, and places where sexual vice could be practised in that town?—It would appear to be so.

2193. I observe that you are somewhat astonished at these figures; do you doubt the accuracy of them?—As coming from an official source I cannot doubt them, but they seem to me somewhat inexplicable.

2194. You have had personal experience of Windsor, and I should like to know whether we can trust those figures or not; do you believe that during the five years that I have read there were no brothels at Windsor?—I can scarcely understand a garrison town where soldiers are, knowing the habits of soldiers, that prostitutes should not exist in Windsor irrespective of the absence of notorious public-houses and brothels.

2195. Will you look at Return No. 4, upon page 22, from 1868 to 1878; will you read the numbers of common women remaining on the register at the end of each year in column 12, where it appears that in 1869 there were 68 women; in 1870, 60; in 1871, 30; in 1872, 27; in 1873, 28; in 1874, 24; in 1875, 17; in 1876, 23; in 1877, 17; and in 1878, 12; that is to say, we have during many years the abolition of brothels in Windsor, and we have also a large and continuous reduction in the number of prostitutes; these facts would point, would they not, as probable causes for the reduction of the disease, to the facilities of and opportunities for sexual vice being reduced; if those figures are reliable you would be disposed to attribute the reduction of disease to the reduction of vice?—I am scarcely prepared to admit that. I think that after

Mr. Stansfeld—continued

after the statement of Dr. Barr, at Aldershot, it is quite possible that were those women not reported and looked up, that is to say, not examined and curative measures taken, they might propagate disease, although the number of women was smaller.

2196. I thought they were examined at Windsor?—Yes, they would be examined, of course, as they went out; my remark was, that although the number of women were diminished to 12, if those 12 were examined, I am prepared to admit that they would not propagate disease.

2197. The reduction of disease in 1867, you attribute entirely to the suppression of one particular brothel, the others remaining as they were?—I am not prepared to say that it was one particular brothel. One brothel was more notorious than the others; but I am not prepared to say that similar measures would not turn out well with reference to another brothel, and all the other brothels.

2198. What I mean is this: that the reduction of the disease in 1867, you have yourself attributed specifically to the suppression of one particular brothel which was the hot-bed of disease?—I have done so.

2199. Would you not be disposed, therefore, to say, that the suppression of a great many institutions of that kind, and getting rid of prostitutes of that class, would tend to a reduction of disease in Windsor, where those influences had been brought to bear?—Yes, whatever would lessen the opportunities for men contracting the disease.

2200. How were those brothels put down; can you tell us how that sudden suppression of the brothels took place?—I cannot.

2201. Were they put down under or by virtue of the Acts, do you suppose?—I really cannot say.

2202. In 1867, I think you said, that the military authorities had practically suppressed a certain brothel?—For the time being, they prevented access to it.

2203. But as to the brothels in the public-houses, and beerhouses, and so forth, the 12 which you believe were suppressed in the year 1868, you do not know by what agency they were suppressed?—I do not.

2204. Do you, then, suppose that they were suppressed by the agency or under the influence of the Contagious Diseases Acts?—I really am unprepared to state that.

2205. But whatever improvement in the condition of the soldiers was found consequent upon the suppression of those public-houses and brothels, that improvement would not be in consequence of the Contagious Diseases Acts?—I attribute the improvement subsequently to 1868, entirely to the operation of the Contagious Diseases Act.

2206. Including the year 1868, in which those house were suppressed?—From that period subsequently.

2207. They were suppressed at the end of the year 1867, but would you credit the Contagious Diseases Acts with the suppression of those 12 public-houses and beershops used as brothels?—As I have said, I have no personal knowledge of how they were suppressed.

2208. But you are aware, are you not, that in this Return of Captain Harris' those are stated as consequences of the operation of the Acts, and

O.116.

Mr. Stansfeld—continued.

that that number of public-houses, beerhouses, and brothels were reduced since the Acts came into operation, and so on?—Yes.

2209. You are aware that those figures are generally regarded as evidence of the favourable operation of the Acts?—I apprehend so.

2210. Are you aware whether this is a correct statement which I have before me; it is an extract from a paper entitled "The Windsor and Eton Express," in the year 1871; I find that there was a public meeting held in Windsor on the 19th of January 1871, for the purpose of advocating the repeal of the Contagious Diseases Acts; that that meeting was presided over by the vicar of Windsor, the Rev. H. T. Ellison. Do you know the vicar of Windsor?—I cannot say that I do.

2211. He throws some light upon these statistics; the Rev. Mr. Ellison is reported to have said that, "He had seen that the number of poor girls in Windsor had undoubtedly diminished, and as one was very apt to do, he concluded from that fact that the Acts were working well. He had had little time to look closely into the subject, but when furnished with information from the National Association, he was led to doubt the soundness of his own conclusions. He had overlooked one great fact to which he would call the attention of those who were disposed to take a favourable view of the Acts. Just two years ago" (that is to say, at the end of 1868) "he drew the attention of the mayor to a circumstance coming under his own knowledge, which was, that a very large number of the beershops of the town had these poor girls regularly living in them, and were, in point of fact, of the nature of brothels. The mayor took pains to satisfy himself as to the accuracy of the statement, and with great promptitude and vigour cleared them all out in the course of a few days; and when the licensing meeting arrived, the magistrates, with equal promptitude and vigour, having a list of such houses brought before them by the superintendent of the local police, at once closed 12 of them, and at the same time they gave an intimation to the others, that if the same thing went on, their houses would also be closed at the next licensing day." Assuming that that report in the Windsor paper is correct, do not you think that the decrease of disease at Windsor has been very considerably owing to the action of the vicar and the mayor and local police, which action was not taken under the Contagious Diseases Acts?—Of course the less opportunity, and the less access to those places, the disease would necessarily be less.

2212. There was a Departmental order some years ago directing the local regimental medical officers to make a special return of these diseases, and it is referred to in Dr. Aitkens' book on the Science and Practice of Medicine, upon which I put a question to Sir William Muir. In that return, which was directed to be made under the head of "Primary Syphilis," were to be included those cases only in which the venereal sore was one of the indications of a constitutional infection usually attended with more or less hardness of the sore, and induration of the inguinal glands, and followed by general constitutional manifestations; have you been in the habit of making returns under that order?—For some time past (I cannot say the precise period) the

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Surgeon-
Major
Robinson,
M.D., F.R.C.P.

28 July
1879.

Surgeon
Major
Robinson,
M.D., F.R.C.P.
28 July
1879.

Mr. Stansfeld—continued.

disease has been returned under one head, simply the head of "Primary Syphilis."

2213. Since 1874 has not that been so?—I cannot charge my memory.

2214. But for a certain number of years you have made that return?—Yes, under one general head of "Primary Syphilis."

2215. But the Departmental order to which reference is made in that work of Dr. Aitkens was in force for a certain time, was it not?—I presume so.

2216. Would not it have fallen to you to have to make returns under it?—I scarcely understand the Right honourable Member's question.

2217. At a certain date the Medical Department desired that the medical officers making the returns as to venereal disease should distinguish the primary sores into those which were constitutional, and those which were not, and I have reason to believe that that order was practically in force, and was complied with until the year 1874, but not since; did you comply with it, or do you remember receiving any order on the subject?—I cannot remember receiving an order, but I know that a change took place in the returns, and that the old classification was altered.

2218. What was the old classification?—Into non-infecting and infecting.

2219. Therefore, the old classification divided the venereal sores into those which were infecting and those which were non-infecting?—Yes, into the two classes.

2220. And those old returns were discontinued at what period?—I cannot, from memory, say at what period the old returns were discontinued.

2221. Were they discontinued by order?—Probably by order; blank returns were furnished, and those would include the different heads of change.

2222. Then you do not say that after that order was issued it fell into disuse at a certain time, but that the original order was subsequently modified?—If the classification was changed doubtless it would be by order.

2223. Do you not think that it would be advisable, and that it is important from a statistical and medical point of view, that the returns of admissions for primary sores should be divided into those two classes?—No, I do not, because I myself view it that apart from certain cases of what is commonly called balanitis, and other similar affections, such as herpes, to which men are subject, syphilis should be classed under one general head.

2224. We have had it in evidence before us that there are what are called primary sores, or those which are merely local, and only called venereal because they affect certain parts of the human body, and there are those which are constitutional; does not it appear to you, as a medical man, to be of essential importance to sever these two?—I think not, because I have seen that the same thing has happened in cases of what is called soft sore and hard sore also. My experience has led me to believe that there is constitutional syphilis arising from both classes of sores, to a greater extent from what is called indurated, or hard sore, but also to a lesser degree from soft sore, and that, therefore, either is capable of propagating constitutional syphilis.

2225. You are aware that that is not the

Mr. Stansfeld—continued.

opinion of the greatest medical authority upon the subject?—I am aware that opinions vary, certainly.

2226. Are you not distinctly aware that the general medical opinion is against you upon this matter?—I am not prepared to say altogether, but opinions are very much divided amongst medical men. I speak only from my own experience, which is a somewhat lengthened one.

2227. During the period that you had to distinguish between syphilitic and non-syphilitic sores, you did not find it impossible to distinguish them, did you?—Usually there is no difficulty in distinguishing them, although occasionally a sore changes the features of the one for one of the other.

2228. Practically, a few exceptions apart, there is no difficulty in drawing that distinction?—Not at the outset.

2229. The distinction is not difficult between that which is constitutional in its nature, and that which is simply of a local nature, between that which will repeat itself as secondary symptoms, and that which will vanish after treatment?—Pardon me, I have just said that in both cases my experience has led me to see constitutional syphilis resulting from both classes of sores, although to a greater extent in the one than in the other.

2230. I thought I understood you to say that although there might be some cases of the kind, about the possibility of which you said medical opinion differed, still practically, a few exceptions apart, there would be no difficulty, and there was no difficulty in carrying out that order which was in force for many years?—Of course the order was carried out, but at the same time, as I have said, at the outset of the disease, you ordinarily recognise two different kinds of disease, but that a so-called soft sore sometimes merges into the other, and will produce the same results.

2231. Are you prepared to say that a sore which will be characterised by an experienced medical eye as a non-infecting soft sore, develops itself into a constitutional case?—As I have mentioned, a soft sore will occasionally become changed in its features to that of a hard sore; it will become hard and put on changes in its character, and although at the outset you may have evidences of a certain class of sore, yet that the one may, as it were, merge in the other. But apart from that, as I have said, my experience has led me to see that constitutional syphilis may result, although with less frequency, from a soft sore as well as from a hard one.

2232. We have it in evidence that about two-thirds of the cases of soft sores are non-infectant; apparently you do not agree with that?—They are so-called non-infectant.

2233. Two-thirds of the cases called primary sores are what are called non-infecting sores, and non-constitutional cases; but what proportion of those cases, supposed to be non-constitutional, is it your opinion, may really turn out to be constitutional?—I am quite unprepared to say the exact proportion; I could not give an opinion further than that which I have already expressed.

2234. Would it be a large or a small proportion?—I really cannot state anything further than I have already done. I mentioned that the one is less frequent than the other, but that either

Mr. Stansfeld—continued.

either is capable of producing disease, in my experience.

2235. I think it is hardly reasonable that you should expect me to take that answer. You are a medical man, and a scientific man, and it is your business to make these observations and to record them; although medical opinion is divided upon the subject, I suppose you are not prepared to deny that the mass of medical opinion is against you; you declare, from the ground of your own experience and observation, that there are cases of sores supposed to be non-syphilitic, non-infecting, and unconstititional, which develop into constitutional affections, and yet you are entirely unable to give me any notion of what proportionate number of cases there may be?—I cannot; I should consider myself inaccurate if I were to endeavour to specify the proportion. All I can state is, that the one is frequent, and that the other is less frequent; I am not prepared to say further.

2236. You are not prepared to say anything at all about the proportion between the cases?—I cannot say anything about the proportion.

2237. You are prepared to say that there are cases where you think you have observed that a soft sore develops into a hard sore, or that you discover a hard sore as well as a soft one; that is to say, you have a complication of symptoms?—I have observed an occurrence of constitutional syphilis resulting from simply a soft sore; I will also say I have remarked that a soft sore may merge into a hard sore; and, of course, in addition to that, you have a third class of sore, which is called a hard sore, and which, as we know, produces frequently constitutional disease.

2238. You are entirely unprepared to give me any notion of the kind of proportion of cases, or the per-centage of cases?—I am quite unable.

2239. Or to say even whether they are few or many?—They are not many, although they are certainly not infrequently met with; not many relatively to the other class of sores, but still not infrequently met with.

2240. Discussing this from a medical hygienic point of view, I think you said that you are in favour of the extension of these Acts to military stations; why would you confine their extension to military stations?—With regard to the great loss to the service resulting from the direct and indirect consequences of syphilis in the army. It is that circumstance which makes me advise the extension of the Acts to all military stations.

2241. That is to say, in the interest of what is called the efficiency of the army?—Yes, as well also to prevent the extension of the disease to married women and children, at least to men marrying and propagating the disease before being cured, and therefore extending the evil.

2242. What I venture to ask you is this: desiring, as you do, to extend these Acts, for instance, to London, the force in London is about 5,000 men at this time?—I am scarcely prepared to say the exact strength in London.

2243. I find the strength in London in 1878 was only 4,246, and the strength seems to average about 4,000 in a population of about 4,000,000; would you extend the Contagious Diseases Acts to London for the sake of those 4,000 odd?—The injury to the service directly and indirectly is so great that in my different annual reports I have spoken of my opinion of the great benefit it

O.116.

Mr. Stansfeld—continued.

would be to the service were the Contagious Diseases Acts extended to London.

2244. Your desire would be, I presume, not merely to what is called promote the efficiency of the army, but as you have said, to diminish constitutional disease?—And the other different evils that result.

2245. That which may affect children yet unborn?—Quite so.

2246. In that regard you would, I presume, expect the measure to have certain beneficial influences upon the population at large where there are no military stations?—Certainly there is an essential difference, and it would be in fact, I presume, found too impracticable to accomplish.

2247. What would make it impracticable; do you mean that it would be particularly impracticable amongst our large populations, or amongst the sparse populations of the country?—No doubt if syphilis could be suppressed entirely, I take it that it would be an immense boon to the country and all classes of people; but causes in operation would interfere, I apprehend, completely to prevent, however desirable, its extension to the civil population.

2248. Will you define what, in your mind, would be the difficulty of extending those Acts to the country at large; I understand that in your view it would be desirable, but you see difficulties in extending these Acts to the country at large?—It would be desirable to suppress syphilis by any means, I presume, as leading to great attendant evils, as is shown, in fact, by the experience of hospital surgeons in civil life. But although I am quite prepared to see a difference in the circumstances, yet I apprehend that the sphere of operation would be so immensely enlarged that I can scarcely conceive how it could be applied to the country at large. I am not prepared really to express myself without further consideration of the subject.

2249. However, it would appear to be too great an undertaking?—Yes, it would be too great an undertaking, however desirable.

2250. I take it that if that is the case, perhaps the greatest difficulty will be found with such populations as those of London, Sheffield, Manchester, Preston, Edinburgh, Limerick, Dublin, and Belfast; those are the largest populations, are they not in the country, and all of them are military stations?—They are military stations.

2251. Therefore you advocate an extension of the Acts to the largest towns in the country which are military stations; but you think its applicability to the country at large is almost impossible to conceive of?—I would apply it to all the military stations for the reasons I have alleged.

2252. But if it were possible of application to London, Sheffield, Manchester, Preston, Edinburgh, Dublin, and Belfast, is there any conceivable reason to be suggested for not extending it to towns and places where its application would not be such an extreme difficulty?—I think that great difficulties would exist in the way from the position in society of the civil population; and their habits being essentially different. The absence of any supervision, beneficial, as I apprehend it is, to the soldiers, is one amongst the grounds that would seem to me to render it inapplicable.

2253. Have you considered what it would mean to apply the Acts to London?—I am aware that there would be difficulties. My suggestion

Surgeon
Major
Robinson,
M.D., F.R.C.P.
28 July
1879.

Mr. Stansfeld—continued.

gestion would be to carry the Acts out merely in those localities within a certain area of where the barracks are situated; it would be well worth, as a tentative measure, if not more, to put the Acts into operation.

2254. You would not, therefore, put the Acts in operation in London in general, but within a given distance of certain barracks; you would try the effect upon the soldier of placing women who were inspected for his benefit more within his reach than the others whom he would seek farther afield?—The evil is so great, and, in my opinion, it is so increasing an evil, that it calls for some measure, tentative or otherwise.

2255. That is the experiment which you would be inclined to try?—Yes.

2256. Just to come back for a moment to the question of hard and soft sores; the hardness of the sore is not the only test of its syphilitic character?—Precisely so.

2257. You have said that, in your opinion, a soft sore will produce constitutional syphilis?—Yes.

2258. I suppose there is no difference of opinion upon this subject, that a soft sore may produce constitutional consequences; but then is it not possible to distinguish between that soft sore and one that is not of a constitutional character?—There are different degrees of size, you may say, of the soft sore, some larger and some smaller.

2259. So that, practically speaking, if you were called upon to advise in the case of a man who had a soft sore, would you not feel enabled upon examination to advise whether it was or was not likely to be followed by constitutional syphilis?—The liability to secondary symptoms would be comparatively small, but I certainly would not undertake to tell him that he was free from all possible consequences in the way of secondary symptoms.

2260. It would be a case which was simply possible, but unlikely, would it not, so that practically speaking, you would have sufficient confidence in your own judgment, founded upon your examination, to advise the man as to the probable results?—It would depend probably on the extent and size of the soft sore.

2261. You would be able, therefore, to judge not merely upon the question of hardness or softness, but by other characteristics, and judging by those characteristics you would be able to classify it into the so-called infecting or non-infecting sores; that is so, is it not?—Scarcely; simply that there would be less probability of secondary or constitutional results in the one case than in the other.

2262. I must push it a little further, because I do not think we have quite arrived at an understanding; you surely do not mean to say that you could only undertake upon such an examination to declare that probably the case would not be followed by constitutional syphilis; surely for all practical purposes a medical man accustomed to the observation of this class of cases could declare whether a particular sore is constitutional or not?—I do not say so. My opinion is, that in the one case there is much less likelihood than in the other, but as constitutional syphilis may result from either kind, I should not certainly let the patient understand that he was exempted from all possible consequences,

Mr. Stansfeld—continued.

but that there was less likelihood of constitutional disease than in the other case.

2263. What I mean is, that practically speaking, remote possibilities being out of the question, a competent medical man is enabled to classify primary sores into those which are constitutional and those which are not, is enabled in fact to comply with the order with which you had to comply for many years?—I can only express myself as I have done before.

Colonel Alexander.

2264. Since 1873, which is the date of Lord Cardwell's order, the returns are not only reliable, are they not, as suggested by the Right honourable Gentleman the Member for Halifax, in the sense that they do not do full justice to the Contagious Diseases Act?—Yes.

2265. Although the operation of Lord Cardwell's Order has made the returns from 1873 less trustworthy, those returns are still valuable, are they not, as showing a greater diminution of the disease in the protected as compared with the unprotected districts?—I gather that from the tenor of the medical returns.

2266. I was rather surprised at your statement, in answer to the Right honourable Gentleman, that Lord Cardwell's Order had lately been suspended in the Guards, as I was carrying it out in my own battalion up to last August; I should therefore be glad to know since when it has been suspended?—I cannot say the precise period, but it is within the last three months.

2267. Referring to the suggestion made by the Right honourable Gentleman that you attribute the diminution of disease in Windsor in a great measure to the suppression of a low brothel in the year 1867, I understood you to be endeavouring to show that if so much could be effected by the casual suppression of a low brothel, a great deal more might be expected to result from special legislation upon the subject?—Certainly.

2268. That was your intention in mentioning that circumstance in your evidence?—Quite so.

2269. A considerable number of venereal cases in Windsor originate in London, do they not, and must therefore be deducted from the cases originating in the protected district?—In answer to that, I may say that in my regiment the men found diseased on the morning of the examination have been taken down with the battalion and included amongst the admissions there.

2270. It has been stated that there was a reduction of primary syphilis in Windsor in the year 1867, before the Contagious Diseases Acts came into operation; is not that reduction more apparent than real from the circumstance that during the nine months of that year 1867, a battalion of your regiment was stationed at Windsor, and that as that battalion was not periodically inspected during that time, many cases of venereal disease consequently remained undiscovered?—Yes.

2271. Figures are always more or less confusing, therefore I will ask you to apply a practical test of the difference in the amount of venereal disease in Windsor and London, namely, the state of the wards in the different hospitals. Supposing one of your two battalions to be stationed at Windsor, and the other battalion in London, in which case would you expect to find the

Surgeon-
Major
Robinson,
M.D., F.R.C.P.
28 July
1879.

Colonel Alexander—continued.

the greatest number of venereal cases at the present time?—Undoubtedly in London.

2272. I may state generally, may I not, that the medical officers in the Guards are in favour of a continuance of the Acts, because from practical experience they find the wards of the hospital in London full of venereal cases, whereas the wards of the hospital in Windsor are always comparatively empty?—Precisely so. May I be permitted to observe, that I hold in my hand a return about which I should like to make a remark. It is a return of the admissions in the last tour of duty at Windsor of the first battalion of the regiment, as well as a return of the number of admissions in London for three months in 1878, and for six months from January 1879. In that last tour of duty at Windsor there were only admitted two cases of primary syphilis and 12 of gonorrhœa. Those two cases of syphilis it was ascertained were contracted out of the district, and 10 of the 12 cases of gonorrhœa also were contracted out of the district, virtually reducing the syphilis almost to nil; that was from April 1878 to June 1878.

2273. Would you say that any considerable percentage of the invalids annually discharged from your regiment are men whose disease is distinctly traceable to syphilis?—A very large proportion.

2274. Whose constitutions have, in fact, been almost ruined by the ravages of syphilis?—Yes, invalids with either directly or indirectly impaired constitutions, or else from the supervention of other diseases, such as diseases of the chest and lungs consequent on syphilis; between those two causes of invaliding the returns mainly consist.

2275. Many maladies, such as diseases of the heart and lungs, if a predisposition to those maladies exists, are developed, are they not, by constitutional syphilis?—Decidedly.

2276. What is your opinion of the voluntary system as applied to women?—My opinion, as I stated when I first gave attention to the subject (as referred to in my letter), was, that women would resort to Lock hospitals, were they provided, but I have also stated from experience I have gained since by the returns that they show that they would not do so, and that, therefore, such a procedure would be one negative of any good results.

2277. You have alluded to the deterioration in the physique of the recruits lately enlisted in your regiment; men of that stamp have greater difficulty, have they not, in throwing off the effects of the venereal disease?—Precisely so. I have seen, in the last year, men reduced to a condition almost of danger, owing to that cause, and I have had to send them to Shorncliffe, as a sanatorium, where they have recovered.

2278. Shorncliffe, I believe, is found very useful as a sanatorium for the Guards, both in consequence of the acts being applicable in that district, as well as its being naturally a healthy place?—Yes, I view it as a sanatorium. May I be permitted to say that were it not for the circumstance, in my opinion, of Shorncliffe and Windsor being capable of use as sanatoria (from the operation of Contagious Diseases Act, and healthiness of position), the extent of the disease would be so very large that were any sudden contingency to arise, the regiment or battalion would be, I believe, practically ineffective.

0.116.

Colonel Alexander—continued.

2279. Have you any practical experience of injury to the offspring of soldiers caused by the ravages of disease?—Yes. I think we find especially when they marry without leave that the disease is propagated through the wives and children.

2280. Do you know any instances of what I may call modest women, wives of soldiers, who have contracted syphilis from their husbands, in your regiment?—Yes; one meets with instances. There are cases of men marrying without leave, but some have occurred, and do occur, in the regiment from the circumstances of men marrying while suffering from the taint of syphilis; not purposely, I believe, but simply from not allowing a sufficient length of time to elapse.

2281. Do the Acts, in your opinion, tend to increase prostitution in the protected districts?—I do not think so.

2282. You think that the soldiers indulge quite as much in sexual intercourse in London, which is unprotected, as at Windsor which is under the operation of the Acts?—Certainly.

2283. I think in answer to the Right honourable gentleman the Member for Halifax, you spoke about the extension of the Acts to London, and I understood you to say that if it were practicable you would be in favour of the extension of the Acts to London?—Quite so.

2284. To the whole of London or to certain districts only?—Only to the districts in London where the barracks are.

2285. Have you read the Report of the Royal Commission which sat in 1871 to inquire into this subject?—I have not.

2286. Then you have not read the evidence of Dr. Bond, the medical officer of the police, with regard to the extension of these Acts to London?—I have not.

2287. Perhaps you will take it from me, that Dr. Bond recommended in 1871 the partial extension of the Acts to London, that is to say, he suggested that a cordon should be drawn around certain districts, and he added that it would be difficult for prostitutes to leave these districts around which this cordon had been drawn, owing to the difficulty of obtaining lodgings; do you concur with Dr. Bond in that expression of opinion; do you think it a proper suggestion on the part of Dr. Bond?—I do.

2288. Do you think it would be practicable, and easy to carry into effect?—How far it could be practicable I can scarcely say; but I think it would be very desirable if the procedure could be carried out.

2289. Supposing war to have been declared by this country last year against Russia, and that a battalion of your regiment had been ordered abroad; are you able to form any idea of the number of men who from venereal disease would have been unable to embark with the battalion?—I cannot state the exact number; but I certainly can state from knowledge of the inspection that did take place at that period, that a large proportion were ineffective, either at the time in hospital actually with syphilis, or whose constitutions were so much impaired by it, that although doing a certain amount of light duty, they were not fitted to go abroad on service. A very large proportion of them.

2290. Could you not state the approximate number?—I could not state it approximately; inspections were made in anticipation of such a contingency

0 4

Surgeon-
Major
Robinson,
M.D., F.R.C.P.
28 July
1879.

Surgeon-
Major
Robinson,
M.D., F.R.C.P.

28 July
1879.

Colonel Alexander—continued.

contingency, and the number of men that were set aside from those causes as not fitted to go out was certainly large at the time.

2291. Can you give any idea of the per-centage of men that would have been unable to embark from that cause; who would have been left, in fact, behind with the other battalion?—I might venture to say, perhaps, 6 per cent.

2292. You have stated that a periodical inspection of soldiers was at one time discontinued in the Scots Guards; are you aware that it was never discontinued in the other two regiments of Guards?—I am aware of that.

2293. Can you state why it was discontinued in the case of the Scots Guards; was it because of the medical officer of the regiment?—To the best of my belief the commanding officer for the time being disliked the procedure.

2294. At what period was this inspection resumed, and for what reason?—It was resumed at the period when the operation of the Contagious Diseases Acts made it necessary for the men to be inspected. Previously to going to a station they all go in and appear before the doctor.

2295. Are you personally in favour of periodical inspection?—I am in favour of it if performed with all proper decency and privacy, as it has been done, as I have said in the Guards. As to the frequency of it, that would depend upon the extent of the disease.

2296. Do you go so far as the Medical Committee of 1864 went, who stated in their report that without a periodical inspection of the men, the periodical inspection of the women would lose one-half of its value?—I do.

Sir Harcourt Johnstone.

2297. I understood you to say that the number of men ill in the battalions of the guards with syphilis was so great as to make those battalions more or less inefficient for going abroad?—It very materially lessened their efficiency.

2298. But I understood you also to say that the number over a given period that you found were ill, was 45 per 1,000?—I am not aware that I stated that; I have only spoken in general terms.

2299. That was a much higher figure than we have had in evidence before, and I was surprised at the number?—I think I stated that with regard to Windsor; but I stated in general terms that the number with primary syphilis in hospital in London was one-half, or even, I may say, two-thirds of the number of inmates in the hospital; always one-half, and frequently more than that.

2300. In answer to an honourable and gallant Member, you said that you thought that the number that remained, and that was so materially less efficient, would be about 10 per cent.?—I have stated that just now, but I am not prepared to adhere closely to that per-centage.

2301. Do you from your knowledge of the number in hospital think that it is 10 per cent. at any one time?—Only at that time that the inspection was made of the battalion with regard to the contingency of foreign service, there were as many as 10 per cent. of the battalion who would have been unfitted from the direct or indirect consequences of syphilis for active service in the field.

2302. Can you tell me whether in the Scots

Sir Harcourt Johnstone—continued.

Guards there was any change of medical officers made about the time that the examinations were discontinued?—I am not aware that any fresh medical officers were appointed then, or that any left at that period; I think we did get one medical officer in the year 1867.

2303. Was there any aversion on the part of the medical men to go on with the examination?—I have never myself heard any aversion expressed. It is known to be one of those duties that is somewhat disagreeable.

2304. You will remember Lord Herbert. Was not Lord Herbert's order issued in consequence of the great disinclination of medical men to examine the men?—Very possibly.

2305. That order, I think, was a Royal Warrant; what power is there to override a Royal Warrant, unless a fresh warrant issued; and what is the practice?—I am not aware of any. To a certain extent, the commanding officers of the regiments of the Guards in this matter have, I will not say, deviated from the Warrant; but, as I have mentioned just now, the commanding officer, for the time being, disapproved rather of the inspection for syphilis, and therefore it dropped into disuse.

2306. Then is it not the case that at the discretion of a commanding officer a Royal Warrant may be regarded or disregarded?—I would scarcely say that.

2307. I believe that the officers commanding the battalions of the Guards have some special immunity, have they not, compared to other regiments; they have more liberty to deal with the minor details, and in a different manner than the colonels of other regiments have?—The hospitals are more immediately, in fact entirely, under the control and orders of the commanding officers, irrespective of the Army Medical Department.

2308. Has that been conceded by Royal Warrant?—It has always from time immemorial, so far as I remember, been the case that the hospitals are the property of the officers, and are managed by the commanding officers and other officers of the regiment, and therefore the surgeon-major acts, in carrying out their instructions, without any supervision on the part of the Army Medical Department.

2309. I do not want to entrap you into any answer, but I am merely asking for information; how are the hospitals the property of the commanding officers; are they paid for by the voluntary subscriptions of the regiment?—They were built by the officers by subscription.

2310. Are they maintained by the State or by the officers?—They are maintained in this way: a grant is obtained every year from the State to pay for the maintenance of the hospitals used.

2311. Then, practically, they are not the property of the officers?—The hospitals are their property, but the means for carrying on the expense of the hospitals are obtained from the State; the building belongs to the officers.

2312. You spoke of Shorncliffe as being a desirable sanatorium; I think your ideas of a sanatorium must have been somewhat affected by the result of the operation of the Acts between 1868 when the Acts were put in force in Shorncliffe and 1870, for I observe that the admissions for primary venereal sores rose from 60 to 100?—My experience has been since the operation of the Acts.

2313. The Acts came into force in July 1868 at

Sir Harcourt Johnstone—continued.

at Shorncliffe, and the rate of admissions per 1,000 men strength for primary venereal sores was 77; then they diminished in 1869 to 60, and then they rise again in 1870 to 100?—My experience is, with regard to the time that the battalions of Guards have been stationed there, and certainly during that time the per-centage of syphilis has been extremely small.

2314. I suppose it is possible to keep up a more careful system of picketing the force around Shorncliffe than it would be in Manchester or London?—Quite so; it is a smaller station.

2315. You spoke, I think, of disease being contracted outside the district at Windsor; do you mean outside a ride of ten miles, or what?—I mean in the case of men who have been on furlough two or three days, it may be, and who return.

2316. Do you think, from your acquaintance with Windsor, that the Acts could be put in force so stringently as to have an area of 10 miles carefully watched and guarded?—I would not at all limit my remarks to an area of 10 miles.

2317. There were 68 women on the register in 1868, and in Captain Harris's return the number is brought down to 12; by slow and varying degrees it is down to 12; do you really imagine that to be the true condition of things at Windsor?—I admit it is a very small number.

2318. Do not you think that, for the purposes of prostitution in Windsor, such figures as those can have little value, and that its detection outside Windsor has not been carried out in a way that some medical men think desirable?—I think that the soldiers are not accustomed to go any distance out of the place to look after women.

2319. I suppose that Datchet is within a certain radius of Windsor?—Certainly.

2320. And the same thing may be said of Shorncliffe?—Yes, near both of them, *i.e.*, Windsor and Shorncliffe, are places where prostitutes are very likely to abound.

2321. There is such a thing as what is called clandestine prostitution, which might evade all the vigilance of the police?—Quite so.

2322. There is a fact, which you gave to the Committee, which I think requires a little further investigation. You spoke of the development of chest disease coming about through the consequences of syphilis; I suppose you mean of true syphilis?—The syphilis that imparts constitutional disease.

2323. Is it not the case that the increase of chest disease amongst soldiers in the Household Guards, and also in the Household Cavalry, has been attributed to a great degree to the system of night sentries, in London, independently of any other cause?—There are several factors in the causation of disease; for instance, there is syphilis, which is, perhaps, the leading factor, in my opinion; then there is night duty; and then there is drink. These are all factors in generating such disease; but I attribute it chiefly to the very powerful factor, syphilis.

2324. The fact of diseases of respiration being always more prevalent in the eastern districts of England than in the western, would upset such a calculation as that altogether, would it not?—I do not think so.

2325. Have you never heard of the inclement winters on the east coast of England as being more likely to produce respiratory diseases than

0.116.

Sir Harcourt Johnstone—continued.

any amount of syphilis in soldiers?—I am not aware of that.

2326. You spoke of injury to offspring, I conclude that you mean through the consequences of true syphilis?—From the results of constitutional syphilis, certainly.

2327. You do not mean to attribute the primary sore to what is called constitutional disorder when you speak of injury to offspring?—When I speak of injury to offspring, I allude to the parents having suffered from constitutional disease, and so it has to become propagated to their children.

2328. You tell us that you have been quartered, I think, at Athlone, and Limerick, and Dublin; to what do you attribute the excessive amount of venereal disorder in Limerick and Dublin especially?—As to Limerick, Dublin, and Clonmel, I have been satisfied that the disease existed to a very great extent in all those quarters where there was unchecked prostitution and no Acts in force.

2329. And, at the same time, you will admit that in Limerick, which is not under the Acts, there has been a very considerable decrease, although varying in amount between the years 1867 and 1878, viz, from 117 in 1867 to 85 in 1878?—It appears so.

2330. And the same with Manchester, where it varies from 177 in 1867 to 91 in 1873, and 205 in 1878?—Yes.

2331. It has been a varying quantity depending upon local causes a great deal, I suppose?—Depending upon the state of disease in the women there, I presume; but in Dublin I have been satisfied that syphilis has prevailed to a very great extent, indeed I may say always; and I think now that it is amongst the worst of the garrison towns that we have.

2332. Supposing that the soldiers had been removed for sanitary purposes to Pembroke, or to Athlone, or to Belfast, or Warley, or Hounslow, or the Isle of Wight, the latter of which especially is a very good sanatorium, none of them under the Acts, and all with a lower average of primary sores than Windsor, they would have been better off even than at Windsor?—I scarcely apprehend your question.

2333. I will take it as a fact as to Athlone, and Pembroke Dock, and Belfast, and Warley, and Hounslow, and the Isle of Wight, none of which stations are under the Acts, that they all have a lower average of primary sores than Windsor; would not it have been an advantage to the Guards to have been removed to those places as sanatoria in preference to being at Windsor, Windsor being under the Acts and those other places not being under the Acts?—I am scarcely prepared to give any definite answer to that question.

2334. These stations which I have mentioned to you have a very low rate of admission for primary sores, whereas Windsor has, as it is supposed, the advantage of being a subjected station under the Acts; and therefore, from a sanitary point of view, it would have been better for them to have been at those other places, that are not under the Acts, than at Windsor, which is under the Acts?—Windsor is a very healthy place; the men enjoy good health there.

2335. Can you suppose that the Acts have effected such a wonderful change if those other places without the Acts are more healthy than

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Windsor

Surgeon-
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M.D., F.R.C.P.
28 July
1879.

Surgeon-
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28 July
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Sir *Harcourt Johnstone*—continued.

Windsor with the Acts?—I apprehend there is very little difference.

2336. Therefore, the fact of there being no Acts in those cases, which I call comparatively moral cases, I do not say Belfast, but Pembroke Dock, Warley, Hounslow, and the Isle of Wight, really does alter the computations that are made in favour of the Acts by those who promote them?—Of course, if experience shows that there is very little disease in those places that you have named, it would be supposed that the stations themselves being healthy ones, *ceteris paribus*, the troops might be as advantageously quartered there as in Windsor.

Chairman.

2337. You know nothing about those places?—I know nothing about them; I have not given my attention to those statistics.

Sir *Harcourt Johnstone*.

2338. You spoke of the reclamation of fallen women; I think that does not come under the purview of the Acts; I think the Acts do not make any allusion to that?—At the outset that was one of the motives that prompted me to address a letter on the subject. I certainly believed then, as I do now, that it is the stepping stone for the reclamation of fallen women.

2339. You are aware that of late there has been a considerable number of hospitals opened in London, and that the number of beds has largely increased in such cases as the Marylebone Free Hospital, and the Chelsea Hospital for women; surely it would be far better to multiply the number of those hospitals than to have a system of compulsion which is always being sought to be evaded?—My experience appears to have shown that women will not voluntarily go to those hospitals, but they remain out with an extent of disease of which it may be they are unconscious, and so propagate disease. I mentioned, as an illustration, a circumstance that occurred in the Magazine Barracks to prove that, and also with a view to show how such disease as that unchecked and uncared for, overrides, I may say, all the receptive conditions of the men by generating one fearful disease, namely, phagedena.

2340. Are you aware of the extent of the local efforts which are now being voluntarily employed in London and elsewhere to reclaim fallen women quite independent of the Acts?—I am aware that many attempts are made, but I have not gone very fully into the subject.

2341. Possibly, I suppose, even in the case of those ditches in the neighbourhood of the Magazine, local charitable or voluntary efforts might have done as much as the efforts of the State?—Nothing had been done, or was likely to be done, till the military authorities moved in the matter.

2342. What authority had the military authorities; in what way were they able to exercise compulsion?—I think the police were put on them, so far as I remember. A number of those unfortunate women slept out in ditches at night, and the men came to them when returning to barracks.

2343. Is there any reason why they should not sleep in a ditch if they like?—Their condition was most deplorably diseased.

2344. It is rather a difficult matter, is it not, for the military authorities to interfere with the option of sleeping in a ditch?—I daresay the un-

Sir *Harcourt Johnstone*—continued.

fortunate women viewed it as an act of kindness in removing them from that miserable way of life.

2345. This occurred in London, which is not under the Acts?—Yes.

2346. Have you ever heard of a battalion of the Guards going to the Wellington Barracks, and a clean sweep being made of all the brothels in the neighbourhood by the commanding officer?—I have not.

2347. With regard to the special amount of disease in Ireland, that arises, of course, from the great number of diseased women; and with regard to the reclamation of those women in Ireland from their vicious course of life, do not you think that that might be left safely to the voluntary efforts of the laity and the clergy as well as the military authorities?—They have been found hitherto quite inaccessible by any such efforts as have been made. I am not aware what efforts have been made in that direction in Ireland, but when I was quartered there the condition of the women was a very sad one.

2348. You said you made a representation to the authorities (I forget what year it was in), but no success attended your efforts; have you made any representations since then during the last five years?—From time to time in my annual reports, especially of late years, I have commented upon the great extent of syphilis, and the injury caused to the regiments by it.

2349. You mean the increasing amount of syphilis?—The increased amount of syphilis.

2350. In the subjected districts?—In London; my remarks had reference to London.

2351. Have you suggested any remedy for London?—I have. I have lately mentioned the great desirability of the extension of the Contagious Diseases Acts to London if it could be found practicable.

2352. How would you propose to set about it in London?—Just as it was so well expressed by the extract which Colonel Alexander read; I know of no better mode of procedure than that which was quoted, by, as it were, making a cordon round certain districts in which barracks are situated.

2353. You must see the excessive difficulty in doing that?—It is attended with great difficulty; but the extent of the disease is so great that it appears to me that without some such measures the efficiency of the regiment is seriously affected.

2354. No doubt there has been a similar increase in Manchester, and an increase in Dublin; but, practically, the admissions into hospital per thousand of the main strength in Dublin is not much greater than it was in 1867, and is actually less than it was in 1872?—Yes, so it appears. We find at present that the three hospitals, which have been enlarged, and all of which were formerly capable of holding their sick, are now insufficient, and the experience of all the medical officers of the Guards shows that it arises from the very large extent of syphilis.

2355. If they have not sufficient accommodation for the purpose, what is done with those who cannot receive the treatment?—Rooms are lent to them in the barrack, and sometimes a tent is pitched in the barrack-square. And occasionally it happens in this way, that one regiment is able for the time being to afford accommodation to another regiment by the fact of its battalions being

Sir Harcourt Johnstone—continued.

being in the country; that has been of late years, this last winter in fact, resorted to.

2356. Have you found that they recover rather more quickly in the open air, or under the tent system, than in hospital?—All our experience shows that the more men in illness are placed in the open air the better; I have been in the habit of sending bad cases to Shorncliffe for the purpose of their being in the open air.

2357. Is the hospital at Shorncliffe a fixed building?—Yes, it is a fixed building. I may mention that during last winter we had some cases so severe and so intractable, and the men seemed to be losing their strength, and to be in such a serious condition, that I had them taken from the regiment and removed to Shorncliffe, where they recovered, when their recovery seemed to be hopeless in London.

2358. The sanitary conditions of Shorncliffe would naturally be favourable, I presume?—Yes, very favourable; but the serious condition of the sick referred to is to be accounted for, as I said, by the impaired physique of the class of men.

2359. To what do you attribute that?—To syphilis being more destructive and injurious to weak men.

2360. Do you attribute it to the troops being called out the year before?—I attribute it to the youth and to the impaired physique of those men, and to the severity of the disease.

2361. As between the Household Cavalry and the Guards, is there not a considerably less ratio of disease amongst the Household Cavalry than there is amongst the Guards?—That is a point which I am not aware of.

2362. Will you take it from me that there was a return issued last year which gave that fact?—I will quite admit the possibility of it.

2363. Is it not the case that there is rather more discretion in choosing the men who come into the Life Guards, and that they are men of better character, and that there is more power of selection and rejecting amongst the officers of the Household Cavalry, than there is amongst the Guards?—I do not know about the men being of better character exactly; but perhaps it is, I will not say, a more favoured regiment, but the men in the Life Guards are more circum-spect.

2364. You think that the regiment has rather more prestige?—Yes.

2365. And the pay is better?—Yes, the pay is better.

2366. And more trouble, I presume, taken about the character of the soldiers before enlisting?—Possibly so, although I am of opinion that even in the Life Guards they find it difficult to get, as in the Foot Guards, the same fine class of men that they formerly had, either socially or otherwise.

2367. How do you account for the fewer cases of admissions into the hospitals, and the fewer cases that there are ordinarily amongst the cavalry?—In the cavalry, I think, the commanding officer has the power to discharge soldiers to a greater extent than in other regiments.

Colonel Alexander.

2368. I believe it is not so now; that power is done away with?—I was not aware of that.

Sir Harcourt Johnstone.

2369. A good deal of the looseness of life
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Sir Harcourt Johnstone—continued.

depends no doubt upon the character of the men?—Yes, from their antecedents generally.

2370. If you were to improve the character of the soldiers of the British army, you might perhaps lessen their liability to disease?—Undoubtedly, whatever would improve their character would do so.

2371. You spoke of the system of pickets which you had some few years ago; that was so far a measure of precaution?—It was to prevent the access of the men to those brothels.

2372. I suppose it really was to deter the men from going in?—Yes.

2373. You could not keep guard all day and all night over a certain number of men?—There were pickets, and they would not be taken off until a late hour at night, at the time when the men would be in barracks.

2374. In what year would that be?—In 1866 and 1867.

2375. Just before the great diminution of the brothels by the local authorities in Windsor, was it not; I see that later on the number of such brothels had diminished from 15 down to 7 between 1868 and 1869?—Yes, I think so.

2376. Have you been at Windsor lately?—I have not been stationed at Windsor since 1867.

2377. The Right honourable gentleman the Member for Halifax spoke of a distinction which he tried to draw from you, but I am afraid that he did not quite succeed, between the constitutional character of primary sores and hard sores. If medical men are not really able to distinguish definitely between the primary and the other class of disease, why was a return asked for in 1874?—I am not aware.

2378. It appears by Dr. Aitken's book that the Director General of the Army Medical Department decided to call for a special return of those ethetic diseases, but that the College of Physicians did not deem it necessary to retain a separate class for those affections. It apparently occurred to the Director General of the Army Medical Department that it was necessary to have a return of the separate classes of venereal disease, but that in fact such a return could not be filled up or made satisfactory; what reason is there why there should not be a clear distinction between the two, so far as the constitutional character of the disorder goes?—I am not aware as to the reason which led to the change in the designation at that time of syphilis. I can only understand myself that it may possibly have been due to the fact that both classes of sores lead to constitutional syphilis.

2379. It appears that the Director General of the Army Medical Department must have attached some importance to that, because he speaks of cases in which the venereal sore is one of the indications of constitutional infection?—I apprehend that the then existing system was found unreliable for the purposes of statistics.

2380. I suppose that, as a rule, the average medical men of this country can distinguish in the course of a few days, or in the course of a month, as to whether it is a case of primary venereal disease?—Yes, so far as soft and hard sores go they are quite distinguishable.

2381. Would you say in 90 cases out of 100?—I cannot say that. The form of the disease at present in London in a large proportion of cases is the hard sore.

P 2

2382. Should

Surgeon-
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Sir Harcourt Johnstone—continued.

2382. Should you say the same from your former experience of Limerick?—It is so many years ago that I cannot remember.

2383. And you cannot attribute it to any special cause in London?—I cannot.

Mr. Shaw Lefevre.

2384. In answer to a question of the honourable and gallant Member for Ayrshire, you drew a comparison between the number of men in hospital for venereal disease in London and in Windsor, and I understood you to draw the inference that the Acts had been successful, inasmuch as the number of men under treatment for syphilis in Windsor was, proportionately, far less than in London?—At present it is so.

2385. That is the main point of your whole evidence, is it not?—That is the main point.

2386. That is why you have come here, namely, to show the enormous beneficial effect which the Acts have produced by reducing the proportion of hospital cases in Windsor as compared with London?—Quite so.

2387. Are you prepared to say that the whole of that difference as between London and Windsor is due to the Acts?—I certainly attribute it to the Acts.

2388. The whole of it?—Statements have been made to the effect (I was not aware of it before) that the suppression of those different brothels and public-houses in Windsor has caused the diminution; I am not prepared to say that the benefit has not arisen from this cause.

2389. Making allowance for that, should you say that the whole difference between the proportion of sick in Windsor as compared with London is due to those measures connected either directly or indirectly with the Acts?—That is my opinion.

2390. Unfortunately we have not got a separation of the figures before 1867; have you got before you the figures before 1867 for London and Windsor combined?—I have not.

2391. I have those figures before me for London and Windsor combined, for the year 1867, and I find that before the year 1867 for seven years the average ratio per 1,000 men, for primary sores, was 144; and I find that for the 11 years since 1867 the ratio per 1,000, for primary sores for London alone, has been 170 per 1,000, and for Windsor 73 per 1,000; has it occurred to you to add those two proportions together?—No, I have not done so.

2392. I have added those two together, and I find that it makes for the two combined as nearly as possible the same proportion as both combined before 1867, namely, 150 per 1,000; if you add London and Windsor together for 11 years since 1867, you find that the proportion for the two combined is 150 per 1,000, and for seven years before 1867 the combined ratio was 144 per 1,000, almost the same; does not that fact tend to point to this, that there was before 1867 a very considerable difference between the proportion of disease in Windsor as compared with London?—It has been very unfortunate, I think, that Windsor and London have been joined together in those statistics.

2393. Would it be possible to obtain the figures separately for London and Windsor before 1867?—Speaking for myself, I should consider the circumstance of the two being joined together would make it very difficult to draw

Mr. Shaw Lefevre—continued.

any reliable inference as to the proportion in either place.

2394. But would it be possible to obtain the figures before 1867 separately for those two stations?—Certainly not to my knowledge, not in my own regiment. I cannot say whether the Army Medical Department can furnish the information, but I have not been able to get any myself before 1867.

2395. Have you ever asked for the figures yourself?—My own returns are only from my own regiment. I have never applied to the Army Medical Department.

2396. Could you say from your knowledge whether it would be possible to obtain the figures separately for Windsor and London, previous to this return of 1867?—It might be possible.

2397. You see that the ratio for the two combined was 144 per 1,000 of primary venereal prior to 1867, and since 1867, 150 per 1,000, which are very nearly the same; whereas since 1867 the proportion for London has been 170 per 1,000, and for Windsor, 73 per 1,000. Arguing from those figures, it would seem to me almost to follow as a matter of course, that the proportion was about the same before 1867; in other words, that there was a very much larger proportion of disease in London than there was in Windsor; does not that seem to follow from those figures?—It may seem possible from those figures.

2398. If that be correct, would not it disturb the whole force of your evidence upon that point, and tend to show that previous to 1867 there must have been a much larger proportion of disease in London than in Windsor, and that therefore the apparent reduction of disease since 1867, as comparing Windsor with London, is not due to the Acts; is not that so?—I am scarcely prepared to draw the same conclusions that you have done in the matter, and the more so, because I remember in those years a great extent of syphilis at Windsor.

2399. Just run your eye down this list of stations, and let me ask you which of those stations not under the Act it is most probable that Windsor would compare with, from its general condition?—It is a somewhat difficult point to answer.

2400. Would it not on the whole compare most reasonably with Hounslow?—Hounslow is nearer London.

2401. Still Hounslow is nine miles from London?—Yes.

2402. Do not you think that Windsor would, as a station, reasonably compare in condition with Hounslow?—That is a point upon which I can scarcely form an opinion.

2403. Would you expect that there would be more disease in Hounslow than in Windsor, or less?—I should almost think that there was more disease at Windsor than at Hounslow, but it is a point upon which it is difficult to form an opinion.

2404. Do you think that it would be very likely that there would be very much less disease in Hounslow than in London?—Of course there would be less disease.

2405-6. Have you been at Hounslow?—Yes, and I should say that there would probably be less disease at Hounslow than in London; but as regards Windsor I am not prepared to say.

2407. Should you be surprised to hear that the ratio per thousand of primary venereal sores in Hounslow was only 67 per 1,000 for the 11 years

Mr. Shaw Lefevre—continued.

years since 1867, and that that is almost the same, or rather less than Windsor; it being 67 per 1,000 in Hounslow as compared with 72 per 1,000 in Windsor?—I was not aware of that.

2408. Looking at that fact, are you still prepared to say that the whole of the difference between Windsor and London is due to the passing of the Acts?—I still entertain the opinion, less based it may be on statistics but upon my observation in general terms, that the reduction of disease at Windsor is attributable to the Acts.

2409. We have not got the figures separately for London and for Windsor before 1867; we have them, however, for the year 1867, and whereas the ratio per thousand of primary sores in the seven years previous to 1867 for both together was 144 per 1,000; for Windsor alone, in the year 1867, before the Acts were applied to that station, it was only 58; how do you account for that great reduction?—I am not prepared to offer any explanation.

2410. Do you think that the reduction from 144 to 58 was solely due to the suppression of one brothel in Windsor in the year 1867?—I am scarcely prepared to say from what cause it was; but that the picket preventing access to the brothel certainly was an important factor.

2411. You have got the figures for 1867 before you, and you find 58 per 1,000?—Yes, I see it is 58 per 1,000.

2412. When you compare that figure with the average of Windsor and London combined for the previous seven years, the number is 144 per 1,000; how do you account for that enormous reduction in one year from an average of 144 per 1,000 to 58 per 1,000?—I confess that I am not prepared to offer an opinion.

2413. Does not it tend to show you that previous to the operation of the Acts there was a very great difference in the ratio per 1,000 in the disease between Windsor and London?—I confess that it does not convey that to my mind.

2414. Has it ever occurred to you from that figure to draw the deduction that there must, previous to the operation of the Acts, have been a very great difference between the proportion of disease in Windsor as compared with London?—I have my own recollection; but certainly there was no abatement or diminution in the number of cases of syphilis from the time at which I wrote my letter till the year 1867.

2415. I am now speaking of the comparison between the one station and the other; do you mean to say that, within your recollection, the proportion of disease per 1,000 for 1867 was precisely the same on the average of years in Windsor as it was in London?—I am not prepared to give a definite answer upon that point.

2416. Allow me to point out to you the importance of that, for your evidence turns upon that comparison, and you have come here for the purpose of explaining the benefits which have been derived from the Acts, and you deduce those benefits by a comparison between Windsor and London?—Quite so.

2417. But if there was the same proportion between London and Windsor prior to 1867 as there has been since, your whole argument disappears, does it not?—I can scarcely see it in that light. I quite admit your figures; but I can only say, from my knowledge of the facts of 0.116.

Mr. Shaw Lefevre—continued.

the case, there was no abatement, and the disease remained as rife as ever.

2418. I am talking not of abatement, but of a comparison between one station and the other?—Syphilis prevailed at both stations, both at Windsor and in London largely.

2419. But not to the same degree?—To a greater extent, certainly, relatively at Windsor than in London. Syphilis prevailed at Windsor at the period to which you refer, and also in London; it largely prevailed in both places.

2420. Do you think that it prevailed more in Windsor than in London?—The extent of the disease was greater at Windsor than in London.

2421. Have you any figures to produce to the Committee to show that?—I have no figures. I have my own recollection of the circumstances, which I hold very strongly.

2422. To turn to another point: has the examination of the soldiers of the Guards always within your recollection been carried out?—It was carried out when I joined the Guards, and it continued for many years, and then it dropped into disuse in my regiment, being continued in the other regiments, and it was resumed as I have stated when the Contagious Diseases Acts came into operation; and from that circumstance a large number of men were found diseased when they moved to a protected district.

2423. Has it been carried out wherever the regiment has been, whether at Aldershot or at Windsor, or in London?—It has been carried out in my regiment at Windsor; but it was not systematically carried out previously.

2424. Was it only carried out in London?—It dropped into disuse at both places, both London and Windsor; but it was resumed at the period when the Contagious Diseases Acts came into operation.

2425. In the year 1868?—Yes, in the year 1868.

2426. It was resumed in your regiment then?—Yes.

2427. Has it been carried out equally wherever the regiment may be, whether at Windsor or elsewhere?—No; it has not been carried out regularly at Windsor, I find.

2428. Although it was resumed in the year 1868 it was not carried out when the regiment went to Windsor?—It was carried out at the time of the regiment going to Windsor; but I am not in a position to state positively that the inspections took place from time to time at Windsor afterwards, but inspections were made on the regiment going to Windsor.

2429. They were not periodically carried out week by week at Windsor?—They were not carried out periodically week by week then; it has been so lately, but not at that time. Inspections have been ordered from week to week during the last tour of duty of the regiment at Windsor.

2430. Only this last year?—Yes, only this last year.

2431. But from the year 1868 until last year, although periodical inspection was resumed in London, it was not carried out in Windsor?—It was not regularly carried out.

2432. Is that the case equally with other regiments of the Guards?—I have reason to believe that they made their inspections at Windsor as well as in London.

P 3

2433. Are

Surgeon-
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Mr. Shaw Lefevre—continued.

2433. Are you quite certain of that?—I only know it from information.

2434. How do you account for the fact that periodical inspection was carried on in the regiment in London and not in Windsor?—I am not prepared to say why it was not done.

2435. Why was there any difference?—I have been only the principal medical officer of the regiment of late, and I am not prepared to say what were the reasons why my predecessor did not think it necessary to have those inspections weekly.

2436. Who is it who decides when the inspection shall be carried out?—Generally the surgeon-major and the commanding officer.

2437. Can you account at all for the fact that this periodical inspection was resumed for London, but not for Windsor?—I am not prepared at present to state. I may mention that on the day they were inspected, the men found diseased were taken to Windsor, and they are included in this number.

2438. You see the importance of the question, because from the year 1874 to the year 1878 the Windsor returns show a considerable reduction?—Yes.

2439. I should like to ask you again whether you could give us information as to whether this periodical inspection was carried out in respect of other regiments of the Guards at Windsor equally with London?—A medical officer of another regiment will succeed me and he will be able perhaps to answer that point for his own corps.

2440. When the Acts were passed, I understood you to say that the periodical inspection of the men was resumed every week in London, but not in Windsor?—What I stated was that at the time the Acts came into force the battalion was moved to a protected station, and the inspections having been previously dropped, they were resumed in consequence of the large number of men found diseased at that time, and they have been continued ever since in London, and that also inspections were made when the battalion moved from London to Windsor.

2441. But they were not carried out periodically week by week at Windsor?—I am not prepared to say that they were entirely discontinued, but if they were carried on, it was, as I apprehend, at no frequent period; there was no systematic inspection.

2442. Therefore in London it was a systematic weekly inspection of the soldiers from the time those Acts were passed, but in Windsor there was no such periodical inspection?—It would amount to that, certainly.

Mr. Stansfeld.

2443. With regard to a question put to you by the honourable baronet the Member for Scarborough, is it not true that taking the years from 1867 to 1878, the number of admissions for primary sores to the hospital of Windsor was greater than in any unsubjected stations, except those which are the centres of large populations?—I have not looked at the returns of other stations, but I quite accept whatever you have said on the subject.

2444. I want to be quite sure that we understand you about some very remarkable statements of yours; you stated that, according to your original experience at Windsor, confirmed by subsequent years, before 1867 for periods of

Mr. Stansfeld—continued.

six months at a time, you found numbers of soldiers constantly sick from venereal disorder, I presume of all kinds, not primary sores?—Primary syphilis I referred to.

2445. That the number of cases constantly in the hospital for primary sores was $4\frac{1}{2}$ per cent., or 45 per thousand men?—I think in my letter to the general officer I merely referred to the extent of syphilis at the time. I am not prepared to say that that was the percentage at all periods there, but at the time I wrote the letter that was the condition of things.

2446. I put a series of questions to you to make it, if possible, clear; I wanted to know whether that was the number of admissions at some particular time, or whether it represented the average number constantly sick, and you answered me to the effect that it applied to certain periods of six months at a time, between the years 1853 and 1867, and that on the whole that represented your experience of the conditions of the disease; did you or did you not mean to say so?—What I wished to convey certainly at that time was this, that the amount of sick would represent, I think I may fairly say, the condition that then obtained, with a certain variation it may be, but still that that extent syphilis obtained on the whole.

2447. When you say syphilis you mean primary sores, whether syphilitic or not?—Yes, all primary sores.

2448. According to your experience between 1853 and 1867 there would be 45 per thousand constantly in hospital?—It was based upon the period of six months.

2449. It would be upon successive periods of six months?—Yes.

2450. You told one of the honourable Members of the Committee, that when your regiment of the Guards was examined previous to a possible ordering abroad, you found 10 per cent. unfit to go from venereal disease?—Directly or indirectly.

2451. In what year was that?—It was late in the summer of last year.

2452. I do not want to tie you down to 10 per cent., but do you think that that was the amount?—It was about that.

2453. Therefore, what I understand from you is this, that according to your impressions you are not prepared with statistics or papers on that point, but according to your impressions the number constantly sick with primary sores in the battalion in Windsor, previous to 1867, was something like 45 per thousand; are you aware that the average number constantly sick from primary sores, from 1868 to 1872, is given in the Army Medical Report for 1872 in all the unsubjected stations, including London and all other great centres of population and centres of disease, and that the number constantly in hospital from primary sores has been under 10 per thousand?—I was not aware of that.

2454. If you look at the report (*handing same to the Witness*) you will find the average 9·16?—Yes, I see it is so.

2455. And in the face of that average of all stations not protected, including all the great centres of population, and of danger in point of disease, are you prepared to abide by the opinion that something like 45 per thousand of your regiment were constantly sick from primary sores in the hospital in Windsor before 1867?—

I can

Mr. Stansfeld—continued.

I can only repeat what I have said before that at the time I wrote, that was the extent of the disease, and that to the best of my recollection no material change existed subsequent to that.

2456. Have you any difficulty in accepting that fact that at Windsor the ratio of primary sores was four and a half times worse than in all the other unsubjected stations, including the largest towns, or that your impression may to a certain extent be incorrect?—I still hold to my impression.

2457. You stated that the other day out of your battalion 10 per cent., that would be 100 out of a thousand, were unfit to go abroad from venereal disease?—In that term I include men who either were suffering not alone from venereal disease, but whose constitutions had been impaired more or less directly or indirectly, including also cases where the occurrence of syphilis had brought into operation other diseases. So that altogether, directly or indirectly, a very large proportion of men were ineffective for service. I mentioned 10 per cent., but I confess that possibly the per-centage may have been rather inaccurate; in excess.

2458. What proportion of the last 10 years has your regiment spent in protected, and what proportion in unprotected districts?—There are seven battalions of the Guards, and they take it in rotation to go to the out-stations, Windsor and Shorncliffe, and so on; therefore, I can scarcely say how the roster is arranged, but it may be concluded from what I say that every battalion goes to an out-station perhaps every year and a half or two years.

2459. Then they must be either in London or in a protected station?—All the Guards are quartered either in London, or else at Shorncliffe and Windsor, with a period occasionally at Aldershot.

2460. Then the regiment would be divided between London, and either Shorncliffe or Windsor?—There are seven battalions, and they are taken out by rotation.

2461. What is the force of Guards in London at this time?—There are five battalions of Guards in London, and two are outside.

2462. According to Sir William Muir's return, the force in London in the year 1878 was 4,246, and the force at Shorncliffe was 3,314, and in Windsor 1,000; therefore the troops would be about equally divided, apparently, between London on the one hand, and Shorncliffe and Windsor on the other?—There is always a large proportion in town; there are five battalions of Guards in London, including the Tower, and two battalions in the country station.

2463. When you made this examination with a view to foreign service, where were your men stationed?—They were stationed in London at the time.

2464. And this large proportion of disease amongst the men, in spite of their spending a certain portion of their time in protected stations, and their being subject to weekly personal examination, this large proportion, whether it is 10 per cent. or less, you found unfit for foreign service?—A large proportion.

2465. Do I understand you quite clearly as saying that the weekly examination takes place in London, and not in Windsor?—Of late

Mr. Stansfeld—continued.

it has taken place in Windsor also; that is to say, within the last period of service at Windsor.

2466. What was the year of the previous service of your battalion in Windsor?—The year 1876.

2467. Did the weekly examination take place then at Windsor?—I apprehend not.

2468. There would be a periodical examination, if not a weekly examination?—There were no regular periods of examination, I am informed, that took place at Windsor antecedent to the last tour of duty.

2469. When were those regular periodical examinations resumed; I think you said they began fortnightly?—When they were resumed they were begun fortnightly, and then, in consequence of the extent of the disease, they went on weekly.

2470. In what year were they resumed?—I cannot say precisely; it was during my predecessor's time.

2471. About when would that be?—I really cannot say; it was brought into operation by the operation of the Act; it would be that on the battalion going to a protected station, the men were found so diseased that the examinations were resumed. I believe I was not quartered in London at the time.

2472. On sending the men into a protected station, the men were examined?—They were examined.

2473. It having been the custom, as I understand, in the army to examine the troops moved to a protected station from an unprotected station?—The examination was enforced by the operation of the Act.

2474. Are you under the impression that the examination of soldiers on entering a protected district is directed by the Contagious Diseases Act?—I was under the impression that it was.

2475. There is nothing of the kind in the Acts at all; you may take it from me that that is a mere matter of military order; what I understand is, that when troops are moved into a protected or subjected station, they are examined, in order that they may not communicate disease?—Quite so.

2476. But they are not so examined when they are moved into an unprotected or unsubjected station?—I scarcely know what is the procedure.

2477. Then it was found that that examination, as I understand from you, showed a considerable amount of concealed disease?—In London it was so.

2478. You are speaking of the time of the removal of your battalion from London to Windsor?—Yes.

2479. Thereupon the next step taken by the military authorities was to institute periodical examinations of the men, which apparently became weekly examinations in London?—Yes.

2480. But after a certain time they saw the advisability of extending those weekly examinations also to the protected district of Windsor?—I am not speaking of any authorities; the measure emanated from myself and one of the medical officers under me at Windsor; we, on the

Surgeon-
Major
Robinson,
M.D., F.R.C.P.

28 July
1879.

Surgeon-
Major
Robinson,
M.D., F.R.C.P.

28 July
1879.

Mr. Stansfeld—continued.

the last occasion, had those periodical inspections.

2481. That appears to me to be a very natural and logical course of events; you discover concealed disease on moving the regiment from a large unprotected, to a small protected station, because you examine the regiment when it reaches the protected station; thereupon you rearrange your periodical examination in the unprotected station from which those men come, and after a little experience the military authorities make up their minds that it is advisable to extend it to the protected station as well; that is the procedure, is it not?—It rests with the medical authorities. I myself viewed it rather as an oversight that those inspections were not made, and I held that the inspections should be made in protected as well as unprotected districts, and I looked upon it as an oversight that the inspection had not been made at the protected stations.

2482. So far as the Contagious Diseases Acts are concerned, you are aware, are you not, that they are confined to creating a system of inspection and examination of women; they do not take into their purview the examination of men at all?—Quite so.

Colonel Alexander.

2483. With regard to some questions put by the honourable baronet the Member for Scarborough, you are possibly aware that in some other regiments of the army as well as in the Guards, a periodical inspection of the men takes place?—I am not aware positively.

2484. You may take it from me, perhaps, that the honourable and gallant Member for Brighton, who is a member of this Committee, stated that in his regiment he always enforced a system of periodical inspection; then there is one other question which the honourable baronet the Member for Scarborough asked you, whether since the year 1857 you made no representation to the authorities as to the increase of venereal disease at Windsor; I understand that you wrote to Lord Rokeby in 1857, because at that time there was no protection at all in Windsor?—Precisely so.

2485. That is to say, the Acts have been extended to Windsor since that time, and there has been no necessity for any further representation on the subject?—Quite so.

2486. The honourable baronet asked you another question as to what was done in the wards in the hospital with the number of venereal cases; are you aware that only last year, 1878, when the whole of your regiment was stationed out of London, you lent your hospital to the Grenadier Guards, whose hospital happened at that time to be full, and that we were even obliged, after filling our own hospital and your hospital, to appropriate the barrack rooms at the Wellington Barracks as hospital wards?—Yes, I am quite aware of that.

2487. That took place last year, 1878?—Yes.

Sir Harcourt Johnstone.

2488. Where were the Grenadier Guards quartered when the hospital was lent to them?—In London.

2489. Are you aware that the calling out of the Reserves of the Army, even in the minds of the

Sir Harcourt Johnstone—continued.

promoters of the Acts, had upset their calculations in bringing young men up from the country and quartering them all over the different stations, and that might possibly have increased the amount of disease?—Possibly it may have done so.

2490. Can you tell me, as a matter of fact, whether the one or two battalions of the Guards which have just come from Aldershot, who were examined before leaving Aldershot, were re-examined when they came back to their quarters in London, and will be re-examined when they go to Windsor?—A battalion has just returned, and it will be examined in the ordinary course within a few days at the longest of their returning to London.

2491. And on their returning to Windsor?—On going to Windsor, undoubtedly they would be examined.

2492. And on first going to Aldershot?—Yes.

2493. To that extent, therefore, there is a constant system of examination of the Guards?—Quite so.

2494. But you cannot say how it obtains with other regiments that may be at Aldershot, going into Aldershot or leaving Aldershot?—I cannot.

Chairman.

2495. As to the phenomena of the disease, supposing a man came to you with a soft sore which did not exhibit symptoms of constitutional syphilis, would you think it safe to dismiss him as having nothing the matter with him?—The patient would be sent into hospital in the ordinary course, and he would remain there some time, and if no symptoms of secondary syphilis resulted, he would be discharged from the hospital.

2496. Would you detain him in the hospital merely for a sore?—Yes, all sores are admitted into the hospital and detained there; all cases of disease, however slight, are admitted into the hospital, and detained there.

2497. You have had considerable experience on this subject; is it possible always to discriminate upon the first examination between an innocuous sore and one which contains the venereal taint?—According to my views, I consider that one is merely a severer form of disease than the other, but both liable, in different degrees, to produce constitutional taint. The ordinary primary sore can be recognised in its first appearance, but, as I have said, occasionally it changes its features and becomes a hard sore.

2498. I need hardly ask you whether you agree in the opinion which has been expressed, that a primary sore is a matter of no consequence whatever?—I cannot admit that.

2499. Where are the quarters for the Guards in London?—They are quartered at Chelsea, at the Wellington Barracks, and at the Tower, with a detachment at Kensington and St. George's Barracks.

2500. Is there any comparison to be instituted between the condition of the soldiers of a battalion of Guards stationed in London and a battalion of Guards stationed at Windsor; the battalion of Guards stationed in London having access to thousands of prostitutes perhaps, when

at

Chairman—continued.

at Windsor they would be limited to hundreds, or at least the number of prostitutes must be extremely limited there, whilst those that are accessible in London are almost unlimited?—So far as I am aware, practically, I believe the soldiers are limited, I may say, to a small area where prostitutes abound. I think I may say that the soldiers are not accustomed to go all over London, but the women are in the public-houses, or conveniently near at hand, and that soldiers go to them in places where they are accustomed to resort

Chairman—continued.

2501. The women would come to the places which the soldiers resort to?—Yes, which are generally in the vicinity of the barracks.

2502. Are you acquainted with the habits of the soldiers with regard to the women; do they discriminate between what are called attractive women and squalid, dirty women?—That is a point which I cannot give an opinion upon.

2503. Have you ever examined the soldiers as to the circumstances under which they contract disease?—I have not.

Surgeon-
Major
Robinson,
M.D., F.R.C.P.

28 July
1879.

Wednesday, 30th July 1879.

MEMBERS PRESENT:

Colonel Alexander.
Mr. Cavendish Bentinck.
Mr. Burt.
Viscount Crichton.
Sir Harcourt Johnstone.
Mr. Kavanagh.

Mr. Shaw Lefevre.
Mr. Massey.
General Shute.
Mr. Stansfeld.
Mr. John Tremayne.

THE RIGHT HONOURABLE W. N. MASSEY, IN THE CHAIR.

Mr. ARTHUR B. R. MYERS, M.R.C.S.L., called in; and Examined.

Mr. Myers,
M.R.C.S.L.

30 July
1879.

Chairman.

Chairman—continued.

2504. You are Surgeon of the Coldstream Guards?—Yes.

2505. And have been so for the last 20 years?—Yes.

2506. Previous to that you were attached to the London Lock Hospital, I think?—Yes.

2507. How long were you there?—I was resident medical officer there for one year.

2508. Before that you had been stationed at Cairo?—No; after that I had been travelling, and I had visited the hospital at Cairo on a few occasions.

2509. But you had not been professionally connected with the hospital at Cairo?—No.

2510. Your professional connection has been with the Coldstream Guards and with the Lock Hospital?—Yes.

2511. I need hardly ask you whether you have not had considerable experience in the treatment of venereal disease?—I believe I have.

2512. When was your attention first particularly attracted to the state of the men as regards this particular disease?—Immediately after I joined the Coldstream Guards in 1859.

2513. Where did you join your battalion?—I joined the battalion in London at the Portman-street Barracks, and at St. John's Wood.

2514. What was the strength of the force?—Speaking from memory, about 850.

2515. Is your recollection sufficiently awake to state what was the condition of the men as regarded this particular disease at that period generally?—We always calculated that from one-third to one-half of our sickness in hospital was venereal.

2516. When you speak of venereal, do you mean gonorrhœa and primary sores, or constitutional syphilis?—I mean the whole of the men who were rendered unfit for service from venereal disease.

2517. Could you state what proportion of the sickness consisted of gonorrhœa only?—Not at this time.

2518. But as a fact, does gonorrhœa constitute a very large proportion of the venereal cases?—No, not in hospital.

2519. I think that the first period which you select for particular observation is the year 1865, and you have prepared some tables which are before me?—Yes. My tables refer to the period commencing 1865. (*The same was delivered in*).

2520. In 1865 the battalion to which you belong was at Windsor, was it not?—It was.

2521. Are you now going to speak of your experience of the condition of the men of the Coldstream Guards at Windsor from 1865 to 1878?—My first table refers to that period.

2522. And during the whole of those years, from 1865 to 1878, you were attached to the Coldstream Guards as surgeon?—Yes.

2523. But there were frequent changes, I presume, during these 13 years?—Yes; but I passed with my battalion from one station to another.

2524. Have you always been attached to the same battalion?—Excepting for a few months.

2525. You have taken out the proportions of disease during 20 weeks of the year 1865, when the average strength of the force was 707 men?—Yes.

2526. And during that year were the admissions to the hospital for primary sores 49?—Yes.

2527. In the year 1865 was the Act of 1864 in operation at Windsor?—No, I believe not.

2528. In fact, you have no recollection of any legislation applicable to this subject being in operation at Windsor in the year 1865?—I believe not.

2529. So that 1865 is a specimen of an ordinary year?—A moderately fair one.

2530. An average fair year, unaffected by special legislation?—Yes.

2531. I will take you down to the year 1868, and what happened in 1868; were those Acts then applied to Windsor in 1868?—The Act of 1866 came into operation in Windsor, in April 1868.

2532. When you say that it came into operation, I presume you mean that hospital accommodation was provided, and periodical examinations

Chairman—continued.

tions of the public women were instituted?—I understand so.

2533. You have given us 49 in 1865, as the figure of diseases applicable to 707 men; in the year 1868, when the Act was in operation, with a force of 608 men, you give, according to this table, 64 cases of primary disease?—Yes.

2534. I believe that the Act did not come into operation in the year 1868, until the month of April?—Quite so.

2535. So that the effect, in 1868, was not very considerable?—It was, practically, unaffected by the Act.

2536. You have put down 25 weeks; from what period were those 25 weeks dated; were they the latter part of the year, or the former part of the year?—You will see the period marked in the table from the 7th March to the 28th August.

2537. Then during that period, from the 7th March to the 28th August, the Acts were, practically, not in operation?—Not so as to affect the disease, in my opinion.

2538. The next period which you select is from 5th September 1868 to the 26th February 1869?—Yes.

2539. During that period were the Acts fully in operation?—They were fully in operation, I believe.

2540. Then during that period, from September the 5th to February the 26th, embracing a period of 25 weeks, the average strength of the force was 700?—Yes.

2541. And the admissions were 57?—Yes.

2542. Have you any remark to make upon that figure 57, because it was not a material difference from the two previous figures, which do not refer to a period of legislation?—I certainly think that the Acts having only come into force in April 1868, it was quite impossible to expect any diminution of the disease as soon as even September of that same year.

2543. Then, in point of fact, you do not consider that the Acts were in full swing during the period of that six months?—They were in full operation, so far as orders were concerned, but I doubt whether, after an Act of that kind is brought into force, the beneficial effects could be produced so immediately.

2544. When did your battalion go to Windsor that year?—This return which we are now dealing with is for the first and second battalion of the Coldstream Guards, stationed at Windsor from 1865 to 1878, inclusive.

2545. At what time did your battalion go to Windsor?—We were there from the 5th September 1868 to 26th February 1869; the battalion went to Windsor in September.

2546. Then there being no change of a material kind in 1868-69, I will take you to the following year, from September 1870 to March 1871; that is the next period, and with a similar force of 700 men to the force that was there in 1868-69 the admissions for primary disease were 33?—Yes.

2547. We first now arrive at a remarkable difference in the figures; the figures in the two former years were respectively 64 and 57, and they came down to 33 in 1871; during 1871 were the Acts in full practical operation?—Yes.

2548. To what do you attribute the diminution of admissions to hospital to 33 in the years 1870-71, against 57 in the former year?—I should imagine that the police would have become more

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Chairman—continued.

acquainted with the working of the Act; and they would be able to learn more of the women by that period.

2549. Have you formed any decided opinion that the Acts had a direct and immediate bearing upon those figures in the year 1870-71?—I cannot say that at that time I was so clear in my mind as I am now.

2550. But did that considerable diminution of admissions to hospital in the year 1870-71 strike you as remarkable at all?—I cannot say that I considered it remarkable, because my memory does not quite go back so far; I know that the Acts were producing benefit at that time.

2551. In the following year, between September 1871 and April 1872 the figures are substantially the same, or rather, there is a slight diminution, the number being 29?—The ratio is much lower.

2552. The ratio is 75·07 as against 94·28 in the previous year?—Yes.

2553. Taking you to the year 1874, from May in that year to September in that year, a period of 21 weeks, when the force was 656, it appears that the number of admissions to the hospital from primary disease was only 15?—Yes.

2554. To what do you attribute that remarkable diminution?—To the Act.

2555. You are aware that in the autumn of 1873 the Secretary of State for War issued a very important order stopping the pay of the men while in hospital for primary disease?—Yes.

2556. Do you not consider that that had a very important bearing upon this remarkable diminution in the number of admissions to hospital for that form of disease?—Not in the Guards.

2557. Why not?—Because we inspect our men regularly.

2558. How frequently do you inspect the men?—As a rule, fortnightly; but sometimes when the disease is very prevalent we do it weekly; but the rule is fortnightly.

2559. In what way is that inspection conducted?—It is done with all decency; a man comes before you secluded by a curtain, and he exposes his person completely.

2560. That is singly; there is no parade inspection?—No; the battalion is paraded, but the individuals come before the surgeon separately.

2561. And so far as your own personal experience goes is that examination conducted with sufficient care and attention to detect the presence of disease?—I think the proof of it is in our detecting it. I may mention that I detected in our examination before going to Aldershot this year, 10 cases, a fortnight after the previous inspection.

2562. Were those 15 cases that occurred in 1874 sent to hospital by you?—I believe I was there, because I am always with my battalion.

2563. Do you consider that the number of 15, as compared with the experience of former years, was a very remarkable diminution of the disease?—I think very remarkable, especially if you will allow me to add one statement with regard to that, that, in that year, 12 of the 15 men admitted had contracted their disease out of the district; and as a very remarkable fact, in this year 1874, I should think unequalled in the Guards, for seven weeks there was no case of primary syphilis in the hospital at Windsor.

2564. In that year 1874, when there was so

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remarkable

Mr. Myers,
M.B.C.S.I.
30 July
1879.

Mr. Myers,
M.R.C.S.I.

30 July
1879.

Chairman—continued.

remarkable a diminution in the admissions to the hospital for primary disease, the ratio per 1,000 you put at 56·62?—Yes.

2565. That ratio embraces, does it not, every form of the disease?—No; only one form, primary disease; this table refers only to primary syphilis.

2566. Then you attribute so small a number as 15 admissions to the hospital to the operation of the Acts?—Undoubtedly.

2567. And you think Lord Cardwell's Warrant had nothing whatever to do with that for the reason you assign?—Yes; otherwise Lord Cardwell's Order would tend very greatly to the concealment of the disease, if there was no examination of the men.

2568. Has the examination of the men been regular and uniform in the Coldstream Guards since you have belonged to them?—Yes.

2569. Does it go on to the present day?—Yes.

2570. And it is extremely difficult for a man to escape detection if he has primary syphilis?—Yes; in the case of primary syphilis it is; in the case of gonorrhoea they can escape.

2571. What do you include in primary syphilis; we have heard that there are such things as abrasions which are free from noxious infection; you would not consider that to be a case of primary syphilis or primary sore?—An abrasion is not a sore.

2572. Can you, generally speaking, distinguish between an abrasion and a primary sore?—I mean by an abrasion, an abrasion that any man may have, independent of venereal disease.

2573. That is to say, any man after connexion?—Yes; balanitis, in fact.

2574. But that is harmless, is it not?—Yes; but that has nothing to do with syphilis.

2575. Do the symptoms of balanitis and a primary sore resemble each other?—Not the least.

2576. Now I will take you to the next year; from September 1876 to March 1877 the number of admissions had dwindled down to 11; do you still attribute that progressive diminution to the same causes?—Undoubtedly. I have a remark to make with regard to that period also, that the battalion arrived at Windsor from the protected district of Aldershot on September the 1st; consequently the cases which so frequently occur of infection out of the district, would not apply to such an extent.

2577. The men came in a healthy state?—Yes; they came from a protected district and proportionately healthy.

2578. Can you state whether the examination of the men in the Coldstream Guards takes place wherever they are quartered?—Yes.

2579. Is it in the discretion of the commanding officer to order that inspection, or to suspend it, or to discontinue it?—It has never occurred to me to ask the question.

2580. In point of fact, it has been the uniform practice?—Uniformly. The medical officers, for their own interest, would do it.

2581. In the last year for which you make a return, that is, in the year 1878, from July to September, the force being 864, the admissions for primary sores were 25?—Yes.

2582. And there were about 100 more men there at that time?—Yes.

2583. Does it give rise to any particular re-

Chairman—continued.

mark that the number is double, as compared with the former year?—That year compares with the next but one, 1874, because the battalion came in that year with a ratio of 56·62 per thousand, and the ratio in this latter period was 57·86, and on both these occasions the battalion came from the unprotected district of London.

2584. One battalion appears to have been moved to London in 1876; you have given us the figures of the number of men at Windsor during the years 1865 to 1878, but in the next Table you refer to the experience in London during the years 1876, 1877, 1878, and 1879; if you were at Windsor in 1876, 1877, and 1878, what knowledge had you of the state of the Coldstream Guards in London?—From the records of the hospital of the other battalion.

2585. Would you give us the ratio for each of those years at Windsor?—The ratio for the year 1874 was 56·62; the ratio for the year 1876-77 was 28·2, and the ratio for 1878, 57·86.

2586. You have taken out the London return, of which you have no personal experience?—Some personal experience.

2587. But we may take it, I presume, that you have verified those figures?—Yes, with my own eyes. (*The witness delivered in a Return.*)

2588. In the year 1876, now being in London, which is uncovered by the Acts, with a force of 770, during half the year the admissions were 71 for primary sores?—Yes.

2589. In the following year, 1877, for the whole period of the year there were 139; that is pretty much the same?—Yes, I think it would be about the same ratio, as the strength varies.

2590. The strength of the period for which you take the whole year was 813, and the following year, in which you take 26 weeks, with a strength of 890, there were 75 admissions, and in the year 1879, with a strength of 814, in 13 weeks the admissions were 58, so that they increased in 1879?—Yes, this is up to the present period.

2591. Then your third Table refers to the figures applicable to Windsor and Shorncliffe; Shorncliffe is one of the protected districts?—Yes.

2592. Were you at Shorncliffe?—Yes.

2593. We have now come back to your own personal experience again?—Most of the previous Table was my personal experience; it was only the first period of the second Table that it was not my personal experience. (*The witness delivered in a Return.*)

2594. You give at Shorncliffe, in the year 1878, during a period of 22 weeks, with 760 men, 16 admissions?—Yes.

2595. In 1876-77, 26 weeks, with 780 men, 11 admissions?—Yes.

2596. In 26 weeks of 1878, the last half of the year, with an increased force of 864 men, 25 admissions?—Yes.

2597. And for 13 weeks in 1876, with 792 men, 4 admissions?—Yes. I should like to be allowed to refer to this Table, as it has some special meaning. I drew up this Table to make corrections to show how mistakes with regard to the effects of the Acts would be produced. In the first period of 1876, out of 16 cases of primary syphilis, nine of them were admitted in the first fortnight. It frequently happens that most of the cases of disease occurring in a protected district are found within the first 10 days, so that

nine

Chairman—continued.

nine of those cases should practically not be on that list at all, so far as the Acts are concerned; there should be only seven.

2598. That is because nine cases came from the unprotected district?—Yes; some were taken into the hospital within the first three days of their arrival at Shorncliffe.

2599. You mean to state that they brought the disease into the district with them?—Distinctly. Many of them were admitted within the first three days, which would account for nine cases within the first fortnight. In the next period I wish to draw special attention to the number 11; in that period, as I stated before, the battalion went to Windsor from Aldershot, and therefore we keep a lower rate; in the next period, out of 25 cases of primary syphilis admitted, 15 were contracted out of the district, therefore 10 cases only refer to the district.

2600. Where was the battalion then?—At Windsor. But what is most remarkable in this table is, that in the three months of this year, from April the 1st to June the 30th, there were four cases of primary disease admitted, and three of those cases were contracted out of the district. There is only one case of primary disease contracted in the district admitted at Windsor in this last period of April the 1st to June the 30th. I have further to say, in order to make this statement clear and definite, that I have taken the period from the 1st of April to the 30th of June, that is a quarter of a year; but, as a matter of fact, the battalion came down to Windsor on the 4th of March, and I was on duty with the battalion; I found that the medical officer of the battalion had sent the cases of primary disease that he had detected at his medical inspection prior to the departure of the battalion from London to Windsor for me to admit into the Windsor Hospital, so that those cases, although seen in London, appear on our Windsor records; they were seen in London, and detected there by the medical officer, but the inspection taking place immediately prior to the departure of the battalion from London, it was thought better to send those cases down to Windsor, for various reasons, partly because of the hospital being healthy, but principally because of the food supplies being arranged.

2601. It appears from these tables that notwithstanding the regular inspection of the men, the disease in London, which is an unprotected district, is far more considerable than in the protected district?—Enormously more so.

2602. Do I understand you to mean by that, that notwithstanding all these precautions which are taken in the examination of the men, the disease is more rapidly contracted in London than it is in Windsor?—I consider that in Windsor, so far as the disease in Windsor is concerned, it is next door to being stamped out.

2603. Stamped out by what?—By careful examination of the prostitutes in Windsor.

2604. Then the combined examination of the men in Windsor and of the prostitutes in Windsor has resulted, in your opinion, in these low figures of admission to the hospital?—I think so. I state that the battalion at Windsor at this moment in three months only admitted four cases, and three of those four were contracted out of the district, leaving only one case in a battalion of 800 men.

2605. From your experience of the results of

0.116.

Chairman—continued.

inspecting the men, are you of opinion that it is necessary, in order to render these Acts efficient, that the soldiers should be examined as well as the women?—Certainly.

2606. Are you able to state whether the privates in the Guards are a better class of men than the privates in the Line?—I think so, certainly; they are exposed to much greater temptations, but they are better conducted, although they are taken from the same class as the regiments of the Line.

2607. Do you consider, without reference to the Acts, speaking now of London, that the disease is on the decline, or is it pretty much the same as it has been for years past?—My belief is that the disease in London is increasing.

2608. Have you ever formed any opinion as to the cause of that?—There are some few reasons to my mind, one of which is the soldier has more money; he has more license, and greater freedom, in the next place; and also in consequence of the short service system a far greater number of young men come into the service who are more liable to catch the disease.

2609. Do you consider that the form of the disease has undergone any mitigation in consequence of these Acts?—I think that it would be impossible to find such cases now of disease amongst prostitutes as were, I might say, common at stations, such as Aldershot and Windsor, before the Acts. I have seen them myself, and I think such cases could not be produced at the present time.

2610. I would ask you, with regard to primary sores. I do not think I quite elicited from you the opinion which I desired to get; have you turned your attention particularly to the nature of syphilitic disease?—Yes.

2611. Do you consider that there is only one form of syphilitic disease?—There is only one syphilitic poison.

2612. What are the earliest symptoms of the existence in the constitution of syphilitic poison?—I think it is now generally accepted that the first indication of constitutional disease is in the hardening of the sore.

2613. Would a primary sore, if neglected, tend to become a hardened sore?—Undoubtedly.

2614. You are not of the opinion which has been expressed by eminent medical authority, that the primary sore is a matter of little or no consequence?—I think I can produce the names of many eminent men who have studied the disease, who believe in what I may say is the unity of syphilis, and there are, on the other hand, those in this country who believe in the duality of the disease.

2615. There is a difference of opinion upon the subject on the part of the profession?—There is a great difference. There was once the belief that gonorrhœa and syphilis were the same; that died away. One of our greatest surgeons, Hunter, believed in that theory, and then came others who believed in two poisons, one a non-infecting sore, and the other an infecting sore. Now, if I might say so, I think that the greatest men who have studied the disease may be said to accept the view that there is only one poison.

2616. The profession are now unanimous in holding that gonorrhœa is not a matter of constitutional disease at all?—Not as syphilis.

2617. You would not consider it necessary to have special legislation for the purpose of suppressing

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Mr. Myers,
M.R.C.S.L.
30 July
1879.

Mr. Myers,
M.R.C.S.I.
30 July
1879.

Chairman—continued.

pressing gonorrhœa?—Not in itself, but combined I would.

2618. You are no doubt acquainted with the habits of soldiers?—Yes.

2619. In your opinion, do the soldiers when they consort with women discriminate between one class and another; are they particular as to whom they associate with?—Not the least.

2620. Is that opinion derived from experience?—Yes; when a soldier is dissolute I think he will have connection with the first woman he comes to; he cares not whether she is diseased or not.

2621. Is it frequently the case that soldiers form those connections when they are drunk?—I should think, generally; perhaps not drunk, but in a state of semi-intoxication. I think they must be so, considering the women that they used to consort with; no man in his senses could have consorted with them.

2622. Are you acquainted with the class of women that the men associate with in London? I have seen them at the Lock Hospital, and I have seen them about the streets.

2623. What condition were the women in when they were admitted into the Lock Hospital?—At the time I refer to, at the commencement of 1859, their condition was most loathsome and horrible to contemplate, many of them. At that period the women coming from Windsor and Aldershot were so bad that it was hardly necessary to ask them where they came from; we could almost enter them at once as coming from Windsor or Aldershot, their condition was so frightful.

2624. Have you yourself visited the Lock Hospital in London?—I have visited the Lock Hospitals in London, Devonport, and at Aldershot in the course of my service, but I have never seen cases like those since then.

2625. Have you seen a marked difference in the condition of the women of late years in the hospitals?—My opinion would be based upon what I hear from the surgeons of those hospitals, who tell me that the change is very great for the better.

2626. And your opinion is, that the form of the disease is mitigated?—Yes, amongst the women.

2627. Do you think that it would be practicable to extend these Acts to London?—If you refer to the soldiers, I feel certain that by taking a very small radius round the barracks you could diminish the amount of the disease amongst the soldiers by one-half, in round numbers.

2628. Do you think it would be practicable to establish such a cordon as would exclude the general prostitution which surrounds the districts where the soldiers are quartered?—That would be quite practicable and beneficial to the soldiers, but I think the time has hardly come for such a step, and for this reason; I am quite sure, in my own mind, that if these Acts are allowed fair force and a sufficient time, in districts such as Windsor, where we can carefully observe what is going on, the evidence will be so certain of the benefits of the Acts that the public will accept their extension, to a great extent; but I would prefer that this evidence should be made stronger every year, that the question could not be disputed as to their benefits.

2629. In a limited area, such as Windsor, it is quite intelligible that there are very serious dif-

Chairman—continued.

ficulties in bringing the women under the protection of the examination prescribed by these Acts; but do you think it would be practicable in London?—You might affect classes of men like soldiers, but the difficulty would be in London; my belief is, that there is a very large percentage of syphilis amongst women, such as servants of lodging-houses, who are not prostitutes; at least that was my experience of the Lock hospitals; I refer to clandestine prostitution amongst servants of lodging-houses.

2630. Is there anything of that kind at Windsor amongst servants who would not come under the Act?—I should think it entirely rests with large capitals, and certainly not in small places like Windsor.

2631. Do you mean that the opportunities or license are much greater in London than in a limited area like Windsor?—Yes, and also the detecting of the disease; but the soldier's prostitute is as well known to the policemen, to my mind, as the soldier is himself.

2632. Does that remark apply to London only?—Yes, that is my belief.

2633. That there are certain classes of women who consort with soldiers?—Yes, and my belief would be that the police know those women almost as well by their clothes as they do the soldiers by theirs. I have no evidence, but that is my belief from seeing the women myself.

2634. The means of the soldiers being limited the rate of pay must be very low?—Yes.

2635. And from that you would infer that the sort of women who consort with soldiers are a special class?—Yes.

General Shute.

2636. The men that you refer to as having been detected as diseased just before the march of your battalion from London to Windsor, were sent down, I conclude, with the hospital establishment as if with their respective companies?—They were sent with their companies to be reported, and to be taken to the medical officer on arrival.

2637. They had no means of mixing with the population after that?—None, they were taken to hospital directly they came down.

2638. I also wish to ask you why you consider that the men quartered in London have more money, and more liberty, than in other quarters?—They have more money, and greater freedom than formerly.

2639. Do you say that gonorrhœa, not producing such permanent constitutional derangement in case of neglect, is not worth legislating for; do I understand you as saying that?—If there was no other disease, no one would approve of legislation for gonorrhœa, or its complications; but if you have legislation for such a grave disease as syphilis, you certainly include the other disease, because it is somewhat benefited thereby.

2640. Is it not considerably benefited?—I should doubt whether it was considerably.

2641. Neglected gonorrhœa surely produces, very often, strictures for life?—And so does treated gonorrhœa produce strictures for life sometimes.

2642. Of course not so generally?—No.

2643. If treated in its earlier stages it is usually a small matter of a few days only?—Yes.

2644. Supposing

General Shute—continued.

2644. Supposing that a man had an excoriation at the time, or received an excoriation from connection with a woman who had gonorrhœa, would it not produce a most unwholesome sore, a sort of inoculation?—No, not gonorrhœa.

2645. A gonorrhœal female would make the excoriation worse, would it not, than if she were a healthy woman?—No, I think not; it might for the moment, but it would not be of importance.

Mr. Stansfeld.

2646. I must put you a few questions; it is not particularly easy to follow these returns, founded upon personal experience and short periods of time during a given number of years, but I will endeavour to understand them. I understand you to say that in the year 1865 your battalion of the Coldstream Guards was at Windsor for a portion of the year, from April the 8th to August the 26th, 20 weeks; and that during that period the number of primary sores was 49; and then carrying out that proportion for the whole year it gives a ratio per 1,000 of 180·19 for primary sores?—Yes.

2647. Was there any portion of that time during which there were no syphilitic cases in the hospital in 1865?—I cannot answer that question; I have no knowledge; I doubt it very much.

2648. I mean with regard to your own battalion; you have told us that in a subsequent year, during seven weeks of that year, 1874, there were no cases of primary syphilis in your battalion in hospital at Windsor; what I want to know is, whether you are perfectly sure that there were no cases during any portion of the year 1865?—I could not be perfectly certain, but I am practically certain of it, because it was a most singular circumstance for us to have no disease in hospital at all there, and I must have remembered it, I think.

2649. You cannot undertake to answer my question positively?—No. We are referring to 1865.

2650. Now, we come to the year 1868; the Acts were applied on the 1st of April 1868, and the figures you give us are for five months, from September 1868 to February 1869?—And from March the 7th to August the 28th, in the second period.

2651. You have one period in 1868, from March to August, during which you make the ratio of admissions 218·95, and then you come to September 1868 to February 1869, when the Acts were in full operation, but had not, you say, as yet produced their full effect; then you give us a reduction of the ratio down to 169·37?—Yes.

2652. Then, in the year 1870-71 you have a period of half a year in which you bring the ratio down to 94·28, and that, I think, you take as a reduction clearly a consequence of the operation of the Acts?—I should say, I believe, that it was, in a measure, evidence of commencing benefit.

2653. I think, in answer to the Right honourable Chairman, you stated that the marked reduction showing itself between September 1870 and March 1871, was, in your opinion, clearly a reduction consequent upon the Acts?—Yes.

2654. You are aware, I have no doubt, as a statistician, that it is generally considered a 0.116.

Mr. Stansfeld—continued.

sounder mode of proceeding to compare in a case like the present considerable bodies of men, and not one regiment only, for considerable periods of time; you probably have read the evidence of Inspector General Lawson, and his answers to questions upon that subject?—Yes.

2655. Would you concur in that opinion of his?—No.

2656. Will you state to me the grounds of your difference of opinion from Inspector General Lawson?—When you are dealing with large numbers of men and with statistics, errors I think are more apt to creep in than with the statistics that I am now dealing with. We all know that in statistical calculations there is nothing more difficult than to avoid errors; and that in studying statistics you are caught up every now and then by difficulties; but in dealing with a small body of men, undergoing the same regular system, I believe that your statistics may be absolutely free from error.

2657. But it is not simply a question of accuracy; the statistics would probably be accurate in both cases; it is the impression which they are calculated to produce?—No. I say inaccurate for this reason: I will give you a case. Warley is a station where I believe evidence has been given of the low rate of syphilis. It is not under the Act. I think that the evidence produced from Warley is not good, for this reason, our recruits were stationed at Warley; they vary from 300 to 500. I believe those recruits are taken in the statistics of Warley, and we had practically very little disease at Warley amongst the recruits of the Guards. Again, regiments come from India to Warley. I think it is a known thing, that on the arrival of a regiment at Warley, the men have a certain amount of money, and prostitutes come into the district in numbers, and live in the bush, if it is in the summer, and they go away again after a time. I think that taking one year of Warley under such circumstances, and another year when fresh regiments have not come into the place and brought these women down, the comparison between the two years would not be what I should consider a fair one for a comparison of this kind.

2558. But with regard to Warley itself, you seem to me to be supporting the view of Inspector General Lawson; that is to say, the conditions at Warley varying to a certain extent from year to year, the only safe way with regard to Warley would be to take a series of years; do you dispute that view?—I do not dispute the view beyond this point; that in dealing with very large figures, and for long periods, you are less likely to get complete accuracy, if I might say so, than in dealing with such statistics as those of a battalion of the Guards in London and in Windsor.

2659. If I understand you rightly, you mean that in dealing with a limited number of men, and a limited time, through the intelligence of persons familiar with the facts, you think you can eliminate a disturbing element, and that you can draw a more correct conclusion than could be drawn from statistics founded upon larger but less intimate observation?—Yes, and with reference to one general fact.

2660. That is an argument which cuts two ways: it implies, does it not, that your elimination of what you call irrelevant figures is a sound and

Mr. Myers,
M.R.C.S.L.
30 July
1879.

Mr. Myers,
M.R.C.S.L.
30 July
1879.

Mr. Stansfeld—continued.

and impartial elimination; and it implies not merely the figures, but the judgment of the person who deals with them; is not that so?—No; I think you are dealing with facts, not judgments.

2661. But it is a question of judgment which facts you should eliminate and which facts you should take into account, is it not?—I think if you took the books of the hospital, any one who was studying one side of the question or the other could only produce those figures.

2662. I am not questioning them, I am questioning the use to which such figures are put; you yourself to-day have given us a certain number of figures of the number of primary sores at the time that your battalion was at Windsor; you have yourself deducted from that the number of cases which you tell us, upon your own information or judgment or inference, were contracted out of the district?—Yes, but I was careful not to do that in placing those statistics upon the Table. I include them, but I show you that the statistics are not fair as evidences of a reduction of the disease; I put in that explanation: but then the figures here are the disease contracted both in and out of the district.

2663. But, as I said just now, it may cut two ways: let me show you what I mean; you have stated that certain cases which appear as primary sores in Windsor, in your belief, and you have satisfied yourself upon that point, were contracted out of the district?—Yes.

2664. Therefore, leaving the statistics untampered with, you give that explanation; you have stated with regard to the Warley figures that there ought to be given letterpress accompanying those figures in explanation of them. You have told us that the conditions of Warley change very much from year to year; that it may depend upon the number of recruits, or it may depend upon the return of regiments from foreign service with a considerable amount of money at their disposal?—Yes.

2665. Let me put it to you in another way: you are disposed to compare the figures of Windsor and the figures of London as if the only difference between Windsor and London were that the Acts operate in Windsor and not in London; I assume that you see no difference in the temptations to which the soldiers are exposed in Windsor and in London, and that the only difference in your mind is the existence or non-existence of the Contagious Diseases Acts?—I did not say so.

2666. But I assume so; that as you compare Windsor and London, you would have us believe that you would reduce the figures in London to something like those at Windsor, if we applied the Acts here?—If I understand you to say that the Acts would reduce the disease in London to what it is in Windsor, that is impossible; but I said that I thought that if the Acts were to apply to London within a certain radius you might reduce the disease amongst the soldiers of the Guards, by one-half, in round numbers.

2667. But even if the Acts were applied to London you would expect the disease of your battalion in London to largely exceed its disease at Windsor?—Yes.

2668. And that would be owing to causes outside the Acts, because the Acts would equally apply to London and to Windsor, according to the hypothesis?—Yes.

Mr. Stansfeld—continued.

2669. To what causes would you expect to have to attribute the excess of disease amongst your men whilst in London?—To the greater radius of prostitution. The number of prostitutes in Windsor is remarkably few now.

2670. Therefore the difference, in your mind, which the application of the Acts could not entirely conquer, would be the difference between the temptations of an immense city and those of a small town?—That is so.

2671. And that is a difference which no legislation could entirely conquer?—Let me explain myself; I said that at Windsor, I believe, that with care and by eradicating the disease that is contracted out of the district, our soldiers would, in time, almost have immunity from the disease. In London that would be impossible; but knowing the fact that soldiers' prostitutes are a class in themselves, the disease in London might be greatly diminished by the Acts.

2672. I am speaking of the way in which we are dealing with these statistics, where they particularly affect small bodies of men in a particular place for short periods of time; but as, I think, I gather from the evidence which you have just given, you would admit that it is not fair to compare the figures of your battalion in Windsor to what would be the figures of your battalion similarly circumstanced in London, or any other of the great cities; the conditions are not the same?—It would be fair, but you could not expect as much benefit under the different circumstances.

2673. You would have to make a discount or allowance in that respect?—Yes.

2674. And that is the condition upon the other side of the question which has to be taken into account when you deal with figures as you have been doing to-day?—Yes.

2675. Now let me take another fact; you compare, at least you have not to-day, that I am aware of, but I believe you are in the habit of making a comparison, as if there were no difference in the cases between the amount of disease amongst the Guards in London and at Windsor, and the amount of disease in the soldiers of the Line at other places in unsubjected districts, leaving out of consideration the fact that you examine your men weekly, and the soldiers of the Line are not examined; are you not of opinion that that is an extremely important factor in the question, and that we must distinguish, in drawing our inferences, between those regiments which are examined and those which are not?—Yes.

2676. What I want, therefore, to point out to you is, that if instead of taking large statistics affecting large bodies of men over long periods of years, that is to say, tabulating and generalising your information, you elect to go to short periods of years, and to consider the conditions of small bodies of men, you must possess yourself of all the facts, and you must deal impartially, as a statistician ought to deal, with those facts; you will admit, will you not, that you must take all the elements into consideration which would affect the results, and not merely the figures which your short periods represent?—If I might explain what I would wish, it is this: What as I understand we want to arrive at is, are the Acts beneficial in reducing the disease, or are they not? If you can get one clear, distinct, definite proof, I do not care how it is done, but if it is a distinct
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Mr. Stansfeld—continued.

and clear proof that by the Acts the disease can be diminished, that is a great point; you want a good clear proof. The proof may be a very simple one, but if it is a clear proof that is a great point gained.

2677. I will take it in that way, and I will deal with your period, from September 1870 to March 1871, when there is a considerable reduction (we shall come to a more remarkable reduction afterwards), and you say that that reduction is a consequence of the Acts. The Acts were applied to Windsor on the 1st of April 1868, but they did not get into full force for half a year; but you do not consider that their full effect could have been experienced for about 12 months' time; that is only a guess, is it not?—I think I am going by proved Tables more than by anything else.

2678. Instead of taking the figures of your battalion for three, or four, or five months, I will take first of all the figures for Windsor in the year 1868; you give us the proportion of primary sores, by calculation based upon the experience of three or four months, and you give us the ratio of 218·95 as the number of admissions for primary sores. Now if I turn to the Army Medical Report for 1868, I find that the admissions for primary sores at Windsor were not 218·95, but 136. Then I take the next year, 1869, your figures are 169·37, and the figures of the Army Medical Report are 93. Then I come to the year 1870–71, when the first considerable reduction which you attribute to the Acts occurs, your figures are 94·28, and the figures of the Army Medical Report are 67; you will, I presume, permit me to take the figures in the Army Medical Report as a fairer representation, taking the whole year round, than your own figures?—No, not fairer.

2679. But fairer for the whole year round?—No.

2680. Then do you question the accuracy of the Army Medical Report figures?—I consider that both are right.

2681. My question is whether they are not fairer for the year. Yours may be fairer, because yours may be accurate for your battalion for a certain period of time; but the Army Medical Report figures represent the figures for the whole year; do you deny that?—No.

2682. I will take these figures then; in the year 1870 there is a considerable reduction, both in your figures and in the figures of the Army Medical Report, which you attribute to the Acts; but my first observation is this: I ask you whether the figures for the year 1867, before the Acts were applied, are not lower than the figures for 1870, when they were in full operation?—In the Army Medical Return I do not know what are the figures.

2683. The figures for 1867 are 50, and the figures for 1870 are 67; those are smaller than yours?—That is a smaller number.

2684. Therefore in the year before the Act of 1866 was applied to Windsor, the primary sores were fewer in number than in the year 1870, when the Acts were in full operation; will you also take it from me, that the figures for primary sores in all but three of the succeeding years were higher than in the year 1867?—That is to say, they were higher in 1868 and 1869 than in 1870.

2685. They were higher only in the years 1875, 1876, and 1878 than they were in 1867; will

0.116.

Mr. Stansfeld—continued.

you take that from me?—Yes, an explanation of that was given very clearly, I think, by the late Dr. Parkes, than which I think we can have no clearer evidence of the cause and effects of the diseases in the army. I think that he very clearly pointed out that from 1860 to 1866, the annual strength of the troops was reduced from 83,386, in 1860, to 59,758 in 1866. This reduction was obtained in two ways, first by stopping recruiting, and secondly by getting rid of men by discharge. When men are reduced, they are from specially chosen men, as a rule; they are men who are dissolute and bad characters; and again, men who generally get diseased. You will find his letter in the "British Medical Journal" on the subject in 1874, in which that point is very clearly expressed, and why this great reduction of disease took place in the army. It was due to a reduction in the numbers of the men, and a reduction in bringing in young men who get diseased; the army being reduced no recruits came in, of course, and the bad characters were cleared out.

Chairman.

2686. But as regards the women, a soldier with a good character is pretty nearly as bad as a soldier with a bad character?—With regard to disease he is, but he is not so likely to get the disease.

2687. Why not?—Because he does not subject himself to catching disease. No respectable soldier would go with the low prostitutes that the dissolute soldiers go with. That is my belief.

2688. Who is he to go with?—I hope he goes with none.

Mr. Stansfeld.

2689. Then you attribute the low proportion of primary sores in your battalion at Windsor in 1867 to the reduction in recruiting which had previously taken place?—And also to the diminution in the number of men of bad character on the strength.

2690. When I first put my question to you, apparently that fact had not occurred to your mind?—My answer is this, that it was quite clear to my mind. I had read Dr. Parkes' letter in the "British Medical Journal" most carefully.

2691. That is included in Dr. Parkes' theory?—Yes, I think so.

2692. Then you think that in the year 1867, as recruiting had gone down to its lowest ebb, the men were of the best possible character in those respects, but now what great difference was there in 1868; why should not the same figures have continued in 1868? Let me remind you of the figures: in 1867, before the Acts were applied, the number of admissions for primary sores in Windsor was 58, and in 1868 it was 136; in 1869 it was 93, and in 1870 it was 67; surely the conditions of recruiting did not change immediately upon the end of the year 1867?—No; the evidence with regard to the army returns must be that of Dr. Parkes, and I accept Dr. Parkes' view.

2693. But does Dr. Parkes apply this to the case of Windsor?—I think he applies it generally to the army, and it would apply to Windsor.

2694. In the case of Windsor, we have in the year 1867 58 men diseased with primary sores, and in the year 1868, when the Act was applied, 136; in 1869, 93, and in 1870, 67; you surely

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Mr. Myers,
M.R.C.S.L.
30 July
1879.

Mr. Myers,
M.R.C.S.L.
30 July
1879.

Mr. Stansfeld—continued.

do not mean that in your own mind you account for that exceptionally low figure of 58 in the year 1867 merely by referring me to the reduction of recruiting in the previous year?—You did not draw my attention specially to 1867, and I think I can give you a very clear explanation with regard to 1867. In 1867 a battalion of the Scots Guards was at Windsor for nine months, and there were certain reasons for a great reduction of the disease during that year at Windsor amongst the Scots Guards. One was, as we had in evidence the other day, that pickets were put on the brothels where the diseased women congregated; that was one point. The second point was a fact which was also acknowledged, that during that year the Scots Guards were not medically examined for venereal disease; that was omitted in 1867.

2695. In that year only?—No, we have it in evidence that it was omitted for five years; but I was not quite clear about that point.

2696. But you can speak for the Guards, can you not?—I can speak of the Scots Guards, and I am speaking now of the Scots Guards.

2697. Do you mean to say that the men were not examined in 1867, and that they were examined in 1868 and 1869?—The evidence of Surgeon Major Robinson the day before yesterday, I believe, was to the effect that the examinations about that period were not carried out, but that later on they were again adopted.

2698. That is a little too vague, "about that period"?—He gave no period.

2699. Can you refer me to the question and answer?—No, but I can assert as a fact that he stated that at that period medical examinations did not take place. We are referring now to 1867.

2700. We are dealing with the years 1867 and 1868, and your answer to me is that about that period a certain fact occurred?—No; it is 1867 that I am referring to now.

2701. I am comparing 1867 with 1868; the number of primary sores in 1867 was 58, and in 1868, 136; one of your explanations is that the men were not examined; in what year were they not examined?—In 1867.

2702. Were they examined in 1868?—Yes; we have it here for the Coldstream Guards.

2703. Just show me the evidence?—Excepting as I tell you, I am certain that medical examinations are regularly made of the men of that regiment.

2704. I am speaking of the years 1867 and 1868?—In 1867, during nine months of that year, when the Scots Guards were there, no medical examination took place of them.

2705. In 1868?—In 1868 we had a battalion of the Coldstream Guards there for six months; from March to August.

2706. Who were examined?—Yes, regularly.

2707. The men were examined both in 1867 and 1868?—Excuse me, they were not examined in 1867.

2708. Not examined the whole of that year?—No; we have it in evidence from the surgeon major of the regiment.

2709. I wish you could point me out that, for I do not recollect it?—I also know it to have been the fact personally.

2710. It does not appear to have been in the evidence of Surgeon Major Robinson?—I certainly understood him to say so.

Mr. Stansfeld—continued.

2711. Here is his answer to Question 2105, put by the Right honourable Chairman: "What is the general practice in the Scots Fusilier Guards, speaking from your knowledge of them; do they examine the men? A. It had always been the practice when I joined, until late years, I cannot say the precise date, when it fell into disuse. It was revived again at the time when the Contagious Diseases Act came into operation. On an inspection being made, which it was necessary to make before the men went to a protected district, so many men were found diseased that, with the sanction of the commanding officer, it was resumed, and it has been continued since." I cannot see the precise date; but you say, of your own knowledge, that the men were not examined in 1867, and that they were in 1868?—No; it is of my own knowledge as regards 1868, but it is upon the evidence of the surgeon major as to 1867; it is not my personal knowledge.

Colonel Alexander.

2712. I may draw your attention to a question which I put, No. 2270, to Dr. Robinson. I say, "It has been stated that there was a reduction of primary syphilis in Windsor in 1867, before the Contagious Diseases Act came into operation; is not that reduction more apparent than real, from the circumstance that during the nine months of that year 1867 a battalion of your regiment was stationed at Windsor, and that as that battalion was not periodically inspected during that time, many cases of venereal disease consequently remained undiscovered?" to which Dr. Robinson answered "Yes"?—Yes; then there was another point, which I consider of great importance. The Scots Guards in these periods recruited, I think, more amongst the Highlanders, many of whom even could not speak English; they only spoke Gaelic; they were men who, I believe, were steadier men than the generality of our troops, and they did not consort with the low prostitutes of Windsor; they were a better class of men, I think. I am speaking of those periods from 1866 to 1870, and this is my knowledge from the officers of the regiment, that they would be less liable to expose themselves to disease. In that particular period those Highlanders would not consort with the low women of Windsor as our English town recruits would.

Mr. Stansfeld.

2713. That would apply to what year?—That would apply to the year 1867, when a battalion of the Scots Guards was for nine months at Windsor.

2714. So that that extremely low figure of 1867 you explain by those two causes which you have just enumerated; do you also refer to the cause mentioned by Surgeon Major Robinson, namely, the picketing of certain brothels?—Yes.

2715. So far as the small number of 1867 is concerned, we may say that that was due to the picketing of certain brothels, and that was not an operation conducted under the Contagious Diseases Acts?—No.

2716. And that is an operation which could be conducted in Windsor, or elsewhere, without the Contagious Diseases Acts?—I do not know that.

2717. But the Contagious Diseases Acts did not exist in that year, and the operation was conducted

Mr. Stansfeld—continued.

ducted without them?—It was conducted without them, but I do not know how far it would be generally allowed.

2718. But there is the fact that the reduction to the extremely low figure of 1867 is admitted by you to have been partially due to limiting the opportunities of indulging in vice?—Certainly.

2719. Therefore the natural consequence was a diminution of the disease?—Yes.

2720. In 1874 you had what you call a very remarkable diminution, and you bring the ratio per 1,000 down to 56·62?—Yes.

2721. In that case your own special experience and judgment, based upon the experience of your battalion during a part only of the year, brings the proportion down lower than the general proportion for Windsor in that year, because, according to the Army Medical Report, we have their figure 63 per 1,000, which is a reduction upon the previous year, but which is more than the year 1867; are you aware that if we take Windsor, and compare Windsor as to primary sores with all unsubjected stations except the great cities, which abound in temptation, but including Belfast, which has a very large population, that all those stations stand below Windsor, taking the average of all the years from 1867 to 1878, with the exception of those very large cities and towns?—I was not aware of it.

2722. If you refer to the Army Reports you will find, not as to gonorrhœa, but as to primary sores, that the only unsubjected stations which have a greater proportion of primary sores than Windsor, taking the average from 1867 to 1878, are London, Sheffield, Manchester, Preston, Limerick, and Dublin; you will probably take it from me, will you not?—Yes.

2723. Having given us certain figures applying to your own battalion at Windsor, you have proposed to make certain deductions on account of cases of disease not contracted in Windsor, but elsewhere; how do you know where those cases of disease were contracted?—In two ways. I have naturally endeavoured to find these matters out, and on the arrival of the battalion at Windsor, with all the fresh cases occurring, I have asked the men the question; and I think it may be allowed that if in the first seven days cases are admitted into the hospital of primary disease, and if a man states that he contracted his disease in London, that inference is a fair one, within the first seven days, knowing that the disease takes some little time to develop itself.

2724. But are all the cases of primary sores in Windsor which you attribute to London, or other places, due to the first seven days?—I said from two causes, and that was one; and the second was, that whenever a man has told me that he has contracted the disease out of the district, I have asked him certain questions, or if I have not personally asked him, I have, before the record is taken, made my hospital serjeant communicate with the inspector of police, and the statement has then been recorded whether the man has contracted the disease in the district or out of the district.

2725. How would it be within the knowledge of the inspector of police?—He asks the men. But may I state that if you deduct the cases of disease that are admitted into the hospital at Windsor, within the first 10 days, you are left with very few cases of primary syphilis to deal with at all. For instance, as is given in this

0.116.

Mr. Stansfeld—continued.

table, there was one period when nine cases out of 16 were admitted in the first fortnight, that is to say, at Shorncliffe in the year 1876, and the remark would apply there, as it is under the Acts.

2726. Will you confine yourself to Windsor for a moment; you have expressed the opinion that if it were not for those foreign cases you would have hardly any disease at all amongst your men at Windsor?—Of primary syphilis. I have said so.

2727. Do you mean that, Windsor being so near London, the access being so easy, if you except the cases of men taken into Windsor, when your regiment first goes there, the indulgence of the men is confined to Windsor itself?—To a very great extent. It is impossible to have definite evidence on that subject; but to a great extent it is confined to Windsor, in the case of the men quartered at Windsor.

2728. What kind of leave have these men; have they leave which will enable them to run up to London?—Not much.

2729. And as to the reduction of the disease amongst the men at Windsor, would you attribute it simply to the condition of the women with whom they consort, or to the limitation upon their self-indulgence, which, being in a place like Windsor, rather than in a place like London, would naturally affect; would they in Windsor have less self-indulgence of this kind than in London?—Yes, the fewer the prostitutes the less the temptation.

2730. Therefore, anything that limited the number of brothels and prostitutes, and especially those of the lowest class, would have a beneficial effect on the habits, and, therefore, upon the health of the men?—Yes.

2731. You have referred to the year 1870 as a year in which there was a very considerable reduction; are you aware that in the year 1869, 12 out of the 15 brothels in Windsor were suppressed, and those of the worst kind?—I am told so.

2732. Were they suppressed under the Contagious Diseases Act?—No, so I infer.

2733. Therefore, the reduction that you find in Windsor in 1870 is owing to the suppression of certain low brothels, public-houses and beer-houses which were not suppressed under the Contagious Diseases Acts?—Yes, in part.

2734. We will take it in part, so far as the reduction in 1870 is due to that fact; you do not wish to say that it is entirely due to that fact, but you admit that the reduction in 1870 would be largely due to the reduction of 12 out of 15 brothels, those 12 being of the lowest order?—No, I should not; I should say that the reduction was due to the diminution of the number of women. I cannot answer for the brothels; but if you diminish your number of prostitutes you diminish your disease.

2735. Then you think that the number of prostitutes was reduced in that year?—Yes, very much so.

2736. It was reduced from 51 in 1869 to 28 in 1870; the number of women in 1868 was 91, in 1869 it was 51, and in 1870 it was 28; then you have the large reduction that you refer to. In 1871 you have the number raised from 28 to 35; and if you refer to the Army Medical Report you will find that the cases of primary sores in 1870 and 1871 rose from 67 to 78, therefore, I take it, that you agree with me that a reduction of the

R 2

Mr. Myers,
M.B.C.S.L.

30 July
1879.

Mr. Myers,
M.R.C.S.L.

30 July
1879.

Mr. Stansfeld—continued.

disease amongst the soldiers may be effected, and has been effected in this case by limiting the opportunities and temptations to vice?—Yes.

2737. Would you not think that that was as efficient a method of conserving the health of the Army as the making of these women, by hypothesis, fit for the use of the men?—No.

2738. I am speaking hygienically; for what reason would you not think that hygienically a better method?—Because I think that where there is a demand there will be a supply; and if there is a demand for prostitutes (as I shewed in the case of Warley, where the women come and live in the bush for the men, when they have got money), and if the men have money, the women will, if possible, follow them; but at Windsor there is a difficulty, such women would find no accommodation.

2739. If I follow you rightly, what I understand is this, that if you could suppress the lowest class of women who are liable to be diseased, instead of endeavouring to keep them fit for the men, you would admit that there was a better method of procedure from a hygienic point of view, were it not for the danger of other women coming in upon whom you could not lay your hands?—I think that the two systems working together would be the most beneficial.

2740. Will you answer that question: were it not for the danger of women of the lowest kind, clandestine prostitutes, coming in, you would admit with me, would you not, that that was the best method to take to secure the health of the soldiers?—It would be a good method.

2741. Would it not be the best method?—Not the best method as compared with having the prostitutes examined.

2742. Will you tell me why?—Because if prostitutes cannot find brothels they will find some other place.

2743. I ask you, were it not for the danger of other women of the low class of clandestine prostitutes finding their way to the soldier in some way or other, would it not be a better plan, hygienically speaking, to keep this low class entirely away from them, instead of endeavouring to make them fit for the soldiers?—I do not accept your proposition of endeavouring to make the women fit for the soldiers.

2744. I think it hardly depends upon you whether you accept it or not; that is my interpretation of the Act; you know what I mean, would you answer my question?—But I must answer it according to my own view.

2745. I understand your view that you do not like that interpretation of the Acts?—We are trying to destroy the disease.

2746. Have you considered this question: viewing the matter from a hygienic point of view only, which is the best plan, if you have power to do, as was done in Windsor in 1867 with regard to certain houses, and as was done in 1869 with regard to others, to put down all the, hygienically speaking, dangerous class of prostitutes, or to take those women in hand and endeavour to make them innocuous?—If you could do either the one or the other definitely, the first would be the best.

2747. I understood you before to say that that would be the better method of procedure, hygienically speaking, were it not for the danger which it seems there is, of the very lowest class of clandestine prostitutes coming in and evading

Mr. Stansfeld—continued.

all your operations?—I do not go so far as that, because if you did away with all brothels, and there was a demand for prostitutes, the prostitutes in the place would find some means of existing, and practising their avocations. I do not think that the system of doing away with brothels alone, without the other plan, would be successful, because, as I say, where there is a demand, there will be a supply.

2748. But do you mean to say that there are not police powers, or powers in the management of the barrack, or that there could not be power, which would enable you to keep such women at a distance from the soldiers?—No, I do not think you could remove them entirely.

2749. As to these women of whom you speak, if you were to attempt what I consider the better hygienic plan of keeping the dangerous class of women entirely away from barracks and camps, these women would be known to the police. I think you yourself say that those who are called "soldiers' women" are as well known to the police as the soldiers by their dress; are the women really known to the police, do you think?—I believe so.

2750. Are there not in the existing law ample powers to enable the police to deal with those women, and to prevent their having access to the men?—I was not aware that there was any power in the police over prostitutes in London, in that way, to prevent their going with soldiers.

2751. I am not speaking of London only, but of any part of the country; have you ever heard of the Vagrant Act, the 5th of George the 4th?—Yes.

2752. Do not you know that under that Act any of those prostitutes could be arrested and could be placed in confinement, and could be compelled by that process to absent themselves from particular quarters?—I thought that power was only as to vagrants.

2753. Precisely; but they are vagrants; were you not aware that by the definition of the law they are vagrants?—No.

2754. Take the Towns Clauses Police Acts of 1847, Section 28 imposed penalties and committal to prison for 14 days at a time, and so on, for persons committing a series of offences, and amongst them I find this, "Every common prostitute or night walker, loitering or importuning passengers for the purpose of prostitution"; are not those words, do you think, under which practically the police would have every power which they need to exercise?—No.

2755. Why not?—I think that a large number of those prostitutes do not importune very often; that they live a great deal about public-houses, and they may not be seen; and the soldiers would go to them.

2756. And you think that they do not importune?—They do importune, but there is a great deal of connection between the soldiers and the prostitutes without solicitation.

2757. I thought it was you yourself who at an earlier period to-day spoke of these women as being obliged to hang about the soldiers' barracks and to importune?—No, I think you must have been mistaken. They keep within a radius of the barracks. I am not sufficiently up in the police knowledge of those prostitutes to say what are the conditions; but my belief is that they keep very

Mr. Stansfeld—continued.

very much within certain public-houses, and that the soldiers go to them in the public-houses.

2758. I will not put the question to you upon existing Acts, because that is almost asking you to interpret an Act of Parliament, and you object to that; but I put the question to you in this way: you find no difficulty practically in dealing with those women under the Contagious Diseases Acts; you are not aware of any police difficulty in the subjected districts?—No difficulty that I am aware of.

2759. By virtue of the law contained in those Acts, the police appear to have plenary powers of compelling these women to sign a voluntary submission, and to attend the fortnightly examinations, and what I want to ask you is this: if it were felt by the Legislature to be a better hygienic method to keep those low-class women altogether from the neighbourhood of the soldier, do you for a moment believe that a law could not be framed and administered by the police which would carry out the object in view?—No.

2760. Do you believe it would be impossible?—I believe it would be impossible to prevent prostitution in connection with soldiers by any Act of Parliament.

2761. To absolutely prevent it, it may be, but do not you think it possible very largely to diminish it?—You can diminish your number of prostitutes certainly, and in that way diminish the system.

2762. But that does not follow. You yourself have told us that where there is a demand there will be a supply; and therefore I presume you are of opinion that the diminution of the number of registered prostitutes is no evidence of a diminished supply, because the demand remains the same?—No; because you may diminish your number of prostitutes, and, as a fact, I have no doubt that that has happened in Windsor. The number of prostitutes has diminished in a greater ratio than the number of men who cohabit with prostitutes.

2763. Therefore each prostitute will receive more men?—Yes, each will receive more men.

2764. Therefore, what is your inference; that the diminution of prostitutes is good, or bad?—The diminution of prostitutes is good.

2765. Why is it good if each prostitute has more men?—That is the bad part of it; but the principle of reducing your prostitutes is good.

2766. But good with reference to the health of the men?—Certainly.

2767. Is it good for the health of the men that a greater number of men should have commerce with a reduced number of women, and to the same extent as they would have with a larger number?—I should say rather that it becomes so of necessity.

2768. You would not say, in fact I am quite sure you could not say, from a hygienic point of view, that unless you diminish the amount of sexual indulgence on the part of the men you would do any service to the men by any reduction of the number of women?—Yes, you do a great service by reducing the number of women.

2769. What service?—The fact of the men not having the opportunities.

2770. I said assuming the same amount of sexual indulgence on the part of the men, then, hygienically speaking, the reduction in the number of women has no value, but rather the reverse?—But I do not assume that.

0.116.

Mr. Stansfeld—continued.

2771. But assuming that you have with the reduced number of women consorting with soldiers the same amount of sexual indulgence on the part of the soldiers, then, on the whole, hygienically, that is not a good effect?—Yes, it is; you reduce the number of women; and it is a great social advantage.

2772. I am speaking of the effect upon the health of the men?—That would make no difference, I think.

2773. Do you mean to say that the commerce of a number of men with a very limited number of women, each woman receiving a very much greater number of men than in other cases she would do, is attended by no special hygienic danger; is that your evidence as a medical man?—Will you kindly tell me whether you are referring to cases where the women are inspected, or not inspected.

2774. Where they are inspected?—If they be inspected you are reducing all cases of disease, and, hygienically speaking, that would be beneficial to the men.

2775. But I am supposing the women inspected, and a great reduction in the number inspected; is it not true that when you have what has been called here excessive and unnatural commerce between the men and the women, a woman receiving 10, and sometimes 20 men a night, that is a condition of things, although the women be examined, which is fraught with very great hygienic danger?—It is. I see what you refer to now.

2776. Therefore I say, unless you can reduce the amount of self-indulgence upon the part of the men, a mere reduction in the number of women is not necessarily an advantage with regard to the health of the men?—It is not necessarily an advantage.

2777. Then the great object is to check the amount of self-indulgence on the part of the men?—That would be a great object.

2778. And we have found in Windsor, in the years 1867 and 1869, that by the suppression, under the existing powers of the law, of certain low brothels, and the consequent diminution of a very dangerous class of prostitutes, the amount of disease was largely diminished; I take it, therefore, that in those cases the amount of disease was diminished by diminishing the amount of vice; would not that be so?—In part only.

2779. What else was there in 1867?—I have tried before to explain how it was in 1867.

2780. But you do not deny that picketing the brothels in 1867 had produced a good effect?—A most beneficial effect.

2781. The meaning of my question is to ask you whether that is not a method by which you may hope to produce good effects. With regard to the question of recruiting, adopting Dr. Parkes's theory, you have endeavoured to argue that the amount of disease depends very much upon the army recruiting, and you gave that as an explanation partly of the low figure in Windsor in 1867 as compared with 1868 and 1869, did you not?—No, I did not take 1867 with reference to Dr. Parkes's theory. I gave the diminution in 1867 as chiefly due to what I said of the Scots Guards.

2782. I was examining you upon the year 1867, and you brought in this question of recruiting?—I thought that was from 1860 to 1866.

R 3

2783. Are

Mr. Myers,
M.R.C.S.L.

30 July
1879.

Mr. Myers,
M.R.C.S.I.

30 July
1879.

Mr. Stansfeld—continued.

2783. Are you able to take it as from the year 1860 to 1877?—Yes.

2784. Then I will take it as to this year 1860 to 1877; as I understand you, there ought to be some proportion between the number of recruits and the number of primary sores; if you found the primary sores running up, you would expect to find the recruiting brisk, and if you found them going down you would expect the reverse?—I think that is a fair inference.

2785. I have all the figures here; you can correct them if you think they are wrong; they are taken from the Army Report of 1873 and 1877, and from the Minutes of Evidence of the Royal Commission; and therefore they are taken from authentic sources. In the year 1860 the number of cases of primary sores and gonorrhoea was 22,100; would you apply those figures to gonorrhoea or not?—Primary syphilis, I think.

2786. Would not the recruits be just as liable to gonorrhoea as to primary syphilis; I think Dr. Parkes' theory includes that?—I am not quite sure. If you say so, I will accept it.

2787. We will assume, then, for the purposes of argument, that in 1860 the number of cases of disease, venereal cases, including gonorrhoea, was 22,100, and the number of recruits was 20,725; in 1861 the number of cases was 19,610, and the number of recruits had fallen to 7,591; in the next year, 1862, the number of cases was 16,155, and only 4,603 recruits; in the next year, 1863, you had 14,289 cases, and the number of recruits, instead of falling, had risen to 6,417; then you come to the year 1864, when you had 13,413 cases, which is a reduction from the previous year, when you sprung up to 15,309 recruits; and if I were to follow those figures for every year down to 1877, you would find that there was no relationship whatsoever between the number of cases of venereal disease and the number of recruits; and if you take the most recent year the number of cases was largely diminished, which some people attribute to Lord Cardwell's Order, and the number of recruits was larger than at any previous time. I ask you whether you have considered those facts and figures with regard to the theory of Dr. Parkes?—I have not those figures before me, but I have the greatest belief in the observations made by Dr. Parkes.

2788. But you have not studied these figures?—No; but I accept what Dr. Parkes would say, knowing him to have been a most accurate man.

2789. What you are doing is simply to repeat the opinion of Dr. Parkes?—Yes.

2790. Without expressing any opinion of your own?—Precisely so.

2791. You say that when a regiment goes to Windsor the men are examined, so that they may not communicate disease there, and that cases of disease which they take down are debited against Windsor; but you are disposed to ask us to make an allowance on that score?—Yes, for those cases which are admitted within the first week or 10 days,

2792. That is when they are sent down to Windsor; but what is the usual rule; suppose that the Guards were sent down, not to Windsor, but to Hounslow, what would be the rule there?—The Guards are never sent there.

2793. What happens in Windsor, I understand, is this, that the moment they come to Windsor they are examined, and you object to

Mr. Stansfeld—continued.

debiting Windsor with the cases of disease that you find amongst the men when they reach Windsor?—Yes.

2794. I want to know whether they would be examined if they were sent to Hounslow?—They would be examined if they were sent to Hounslow; supposing Hounslow not to be under the Act, they would be examined at the usual place. They would not be examined immediately on arrival. In fact, very often they are not examined immediately on their arrival at Windsor; they are generally examined before they leave London.

2795. In sending a regiment to a subjected district it may be examined, and in the case of the Guards, you say they often are examined before they are sent, and if they are examined before they are sent, then the men who are found to be diseased are detained in hospital in London or elsewhere, are they not?—As a rule they would be, but they are sometimes sent to hospital in the same battalion.

2796. In all those unsubjected districts that I have mentioned, which compare favourably with Windsor, in not one of them is that precaution taken?—I believe so. On going to an unsubjected district the line regiments are not examined, but the Guards are.

2797. But if they were removed to a subjected station they would be examined?—Yes.

2798. Therefore we have this fact, whatever bearing it may have upon the army medical statistics, that you take the precaution of examining the soldiers before you send them to a subjected district, so as to preserve the subjected district from the danger of infection from those soldiers?—We endeavour to do so.

2799. But you do not take the same precaution when you send them to an unprotected district?—Practically we do, because we inspect them every fortnight.

2800. That is a different examination, and it only applies to the Guards; but, as you have said, a line regiment is not examined?—I believe not.

2801. Therefore I say, practically, when a regiment is sent into an unsubjected station it is sent unexamined?—Yes.

2802. But when it is sent to a subjected station they examine the men, and keep them back from going to that station, or if they send them to that station they send them at once into hospital?—I cannot speak positively to that. I have no knowledge of their action.

2803. Will you take it from me that we have had that evidence; you will admit from your general information that that is correct?—Yes. I should like to make one remark with regard to this: Although a battalion of Guards may be inspected for disease before leaving London, and going to a protected district, that does not mean to say that that battalion does not take down a lot of disease from London, for this reason, that prior to leaving London the men are very apt to cohabit with women, at least I imagine so, before leaving; in fact, they do so when they wish good-bye to their friends, and, therefore, no inspection of the men immediately prior to a battalion leaving London could eradicate any disease that they might take down with them.

2804. That would apply, would it not, whether a battalion was leaving a subjected or an unsubjected station?—Only in a ratio, because if I inspect

Mr. Stansfeld—continued.

inspect the battalion in London prior to its leaving, I should be sure to detect cases of disease; but when one inspects a battalion in a protected district, one very rarely finds cases of disease.

2805. I will take two districts; we will suppose that a battalion has been moved from Windsor to Hounslow, or from Hounslow to Windsor; if it has moved from Hounslow to Windsor, before the battalion gets to Windsor, according to the practice of the Guards, the battalion would be examined, and the men who were diseased would be kept out of Windsor altogether; or if they were sent to Windsor they would be put into hospital at once, would they not?—Yes.

2806. But if your men were sent from Windsor to Hounslow, that would not be the case?—Practically that would be the case.

2807. Practically so far as the Guards alone are concerned, there is a periodical examination of the Guards, but there would not be so special an examination previously to sending them to another station, and if the troops were not Guards but the Line, there would be no examination at all?—But with regard to the Guards it is only a question of a few days, because if a battalion was leaving a protected district it would be sure not to be examined a few days before; therefore, the next examination would very soon come round.

2808. But unfortunately the Guards are not sent to unprotected stations, except to London, and that precaution is not taken with the Line who are sent to unsubjected stations; and what I want to point out to you is this: you say, yes, there is less danger from disease in going from a subjected to an unsubjected station than the reverse?—Certainly.

2809. But I say your argument is refuted by the facts which I have brought to your attention, that from 1867 to 1878 the disease averages less in every unsubjected station given in the Army Medical Report, except the largest towns, but not even excepting Belfast, than it is at Windsor?—Yes, and that shows what fallacious results statistics will sometimes give, because of course we have certainly, as a fact, our hospitals empty at Windsor, and we have them crammed full in London.

2810. Do you always treat your men in hospital who are affected with primary syphilis, constitutional or not, or gonorrhœa?—Yes, always in hospital; excepting when at Windsor, before the Acts were in force, the hospital was so full that they could not admit them; that was in the olden days of Windsor, where we have a hospital, I think, with 35 beds.

2811. But that was not in 1867?—Yes, it was.

2812. Who examines the women at Windsor?—I have no knowledge; I have not gone into that point.

2813. Are there examining officers appointed for Windsor?—I have no knowledge.

2814. Do you mean no official knowledge or no real knowledge?—I believe there is an inspecting medical officer.

2815. You mean that you have no knowledge which you would choose to rely upon in making an answer?—No, but I believe there is one.

2816. You said you think that disease is increasing in London, and the figures show that it

Mr. Stansfeld—continued.

is, but you do not attribute that increase in London, as the mere correlation of the figures of the Army Report would induce you to do, to the non-existence of the Contagious Diseases Acts. You have said, have you not, that the disease in London is increasing, because the soldier has more money and more freedom, or license, as to being out at night, and also because the men are younger, owing to the short service system, they are more prone to vice and more liable to catch the disease; those are the reasons which, in your opinion, account for the increase of the disease in London?—I am only speaking of the increase of disease from personal knowledge of my regiment, and I believe that there is a tendency in the disease to increasing; for instance, if I may take what has happened within the last few months, the battalion in London had, I think I may say, 45 cases of primary disease at the lowest computation, whilst the battalion in Windsor had, I think, only three or four.

2817. Forgive me, we are not comparing Windsor and London; we are agreed that the temptations are much greater in London than in Windsor, but the point is the increase in London itself in late years over somewhat earlier years; and your evidence was that the disease is increasing in London?—Yes, I believe it is increasing, and I think five years hence you will find a very surprising increase.

2818. And you endeavoured to enumerate, and I took them down, a great many causes, in your opinion, of that increase?—Yes, there were two great causes.

2819. Soldiers have more money, more freedom, and license of being out at nights; they are younger, owing to the short service system, and more apt to sexual indulgence, and more liable to subsequent disease. I take it that those are the causes which must, wherever they exist, tend to increase disease?—Precisely so.

2820. And any measure which would prevent soldiers from having money to throw away in that way, which would appropriate the soldier's money differently, or which would deal differently with his time and give him less of what you call license at night, but give him better opportunities of rational enjoyment and occupation, would tend to diminish the amount of indulgence and disease which, as you say, is now increasing; that would be your opinion, would it not?—I should imagine so.

2821. In speaking of London, you have said that "soldiers' women" are very well known to the police, and that they abound in and frequent certain localities near the barracks, and that they could, practically speaking, be identified and dealt with under the Acts?—I have no evidence to prove it, but I believe so.

2822. If your opinion is that they could be dealt with under the Contagious Diseases Acts, applied to a certain radius around the army centres of London, I want to know whether the same power of law would not enable you to keep that dangerous class of women outside that radius altogether?—Very probably.

2823. And therefore, if it was a question of applying legislation to London, would it not be a question in your mind, from a hygienic point of view, between drawing certain areas around each of the barracks in London and applying the Contagious Diseases Acts within those areas, or

within

Mr. Myers,
M.R.C.S.L.

30 July
1879.

Mr. Myers,
M.R.C.S.L.

30 July
1879.

Mr. Stansfeld—continued.

within those areas applying some police power which should keep out the women who would be most likely to infect the men, would it be a question in your mind which of those methods was likely to be of the greatest hygienic benefit to the men?—I have no doubt that having the women examined would have the greatest effect.

2824. Why?—Because if you make a radius round a barrack and drive the women out of that radius, you will very soon have to extend your radius. If you drive the women out of the barracks within a certain radius, accepting the fact that you must have this class, you must extend your radius.

2825. But that surely would depend upon the amount of the leave of the soldier?—They do not want much leave to mix with prostitutes; a few hours will do that.

2826. Although you might by police law banish the most dangerous class of women from the immediate neighbourhood of the barrack, you would prefer as a hygienist to establish an examination and inspection of the women within that radius?—I think you will never eradicate the disease from amongst the soldiers or diminish it in London until you have such a condition of things; I do not at all say, as I stated before, that I would like to see it adopted at present.

2827. You do not propose to adopt it at present, because you think the time has not come, I understand you to say, because you think the public would be less likely to accept your view now than it might be at some future time?—I think so.

2828. But your view is in favour of an extension of the Contagious Diseases Acts to London, and to the country at large?—No, that is not my view. My opinion is, that the Contagious Diseases Acts should be brought into force in places where bodies of men such as soldiers exist, where matrimony is not allowed, and consequently, I may say, mixing with prostitutes is a necessity.

2829. At what ages are soldiers under conditions of army service at the present day?—They come in from 17 to 20; in some cases a much greater age is, I believe, allowed, but our recruits, or the great proportion of them, generally come from 17 to 20.

2830. How long do they remain under the short service system?—The short service system, I believe, is six years.

2831. However, they come in from 17 to 20 years of age, and they go out after six years?—In the Guards they may enlist for 12 years.

2832. We have heard a great deal about the youth of the soldiers; I suppose, practically speaking, your average would be from 19 to 25 years of age?—Yes, that would be about it.

2833. And of those a proportion are allowed to marry?—I think that very few men of that age are married.

2834. Can you define the rule of the service in that respect?—Four per cent. are allowed to marry; it used to be 7 per cent. before the system of short service was introduced, but with the short service the number was reduced from 7 per cent. to 4 per cent.

2835. Therefore, under the present conditions of military administration in the British Army, only 4 per cent. of the men are allowed to marry, and under those conditions, although the ages of

Mr. Stansfeld—continued.

the men may be said to be from 19 to 25 years, still you are of opinion that prostitution is an absolute necessity, and that unless State prostitutes are provided for the men, the men will become diseased?—I should not like to put it in those words.

2836. Will you put it again, because that is how I understand it?—That in consequence of the life of a soldier he will associate with prostitutes.

2837. Do you mean every soldier?—No; I merely say that we know that soldiers do cohabit with prostitutes.

2838. Do you mean a very large proportion, or not?—I should think a large proportion when they first join till they have had the disease, and then the more dissolute ones, and accepting that there must be this prostitution, and accepting that there is such a disease, it is most essential that the women should be examined.

2839. If you take the population at large, a very considerable proportion out of that population does not marry before 25, if you have to deal with young men from 19 to 25, if you keep them well employed, and do all that you can to keep them out of vice, do you mean to say that, from a hygienic point of view, it is absolutely necessary, or that it is the best method to adopt for the health of the men, and for their efficiency, that you should provide them with examined women as near to their quarters as possible?—I do not quite look at it in that light. I start with the fact that there is such prostitution, and that being the case, we should diminish the disease by such examinations; I do not wish to go further than that.

2840. I am putting the alternative of placing the women who are most likely to infect the men at a certain distance from the soldier; you appear to attach no value to that?—Very little.

2841. And yet, in speaking of the necessity of examining the women whom you call "soldiers' women," who are the nearest to the soldier in London, it is because of their close proximity to the soldier that you advocate their being dealt with in this way?—Yes.

2842. How do you reconcile those two opinions?—Because a soldier will not go half a mile if he could get what he wanted within a quarter of a mile, but if you remove the women from within that radius of a quarter of a mile he will make that quarter of a mile half a mile, and if you made it half a mile I daresay he would extend it to a mile.

2843. Therefore, in your opinion, would it not diminish the temptation by preventing that class of women hanging about the barracks of the soldiers at night?—I consider that that would diminish the temptation.

2844. I am speaking now only of bringing the police to bear upon that particular class of women; there is nothing to which any one that I know from any moral or other point of view would object in the notion of keeping diseased persons apart if you can; therefore there would be no objection that I am conscious of in any one's mind, to taking police measures to keep the class of women that are extremely dangerous away from the neighbourhood of the soldier, and then one of two things would follow, would it not, either that the soldiers would be content with less indulgence, which you admit would be a very

Mr. Stansfeld—continued.

very admirable result, would it not?—Yes, it would tend to benefit them.

2845. That would be a very admirable result if it were attained?—Yes.

2846. Or if that were not the case, if the demand continued undiminished, the supply would be of a different character, and the more you kept away women who were most likely to disease the men, their places more or less would be taken by another class of women; you have admitted that already, I think?—I do not accept that you would admit into the radius another class of women.

2847. If in the neighbourhood of the barracks of London where you say there is this demand for prostitution, you were to take the means to keep away the women who were most likely to infect the men, you do not mean to say, do you, that other women less diseased would not, more or less, take their places?—I do not think they would, or if they did, they would become in the same condition.

2848. That opinion, I should imagine, is your opinion formed upon the spur of the moment; is it not so?—Not if I have understood your question aright.

2849. Have you thought out the question?—I think it is the common sense view of it, if I might say so.

2850. Had you thought it out before?—Not exactly as you put it.

2851. It seems to me from your own point of view, that if a number of diseased women could be kept away from the camp or barrack, no one would deny that that would be an advantage, and it seems to me likely that, to a certain extent, their places would be supplied by women in a better condition, and I am surprised to hear you express a different opinion?—I think this: that when a woman becomes really a soldier's prostitute, she can scarcely become anything lower. It is the lowest grade of human existence, almost.

2852. What about the inspected woman; is she the lowest prostitute in existence?—I think that a woman who can cohabit indiscriminately with men is reduced to the lowest state of degradation.

2853. But that applies to all prostitutes, does it not?—Yes; but I think there are even ranks amongst prostitutes.

2854. But are there not ranks amongst soldiers' prostitutes?—I do not think there is much ranking amongst them.

2855. But we have had an entirely different opinion expressed to us?—I suppose you mean in the country and in London.

2856. I mean in the subjected districts there are women who vary very much in character; are you not aware of that fact?—I have had very little experience, excepting in London, of the appearance of those women.

2857. There was a statement that you made, which appears to me, I confess, not only extraordinary, but extravagant, if you will excuse my using the expression, and I will draw your attention to it. You see a soldier is a man like a civilian; but you say of a soldier that he cares not whether a woman is diseased or not, and that the bad condition of the woman makes hardly any difference to the man?—No, I maintain that opinion, and I will prove it to you. The women at Aldershot, before the Acts came into force,

0.116.

Mr. Stansfeld—continued.

were so diseased that I hardly exaggerate, I think, when I say that they could scarcely walk, and yet the soldiers would go to them.

2858. Precisely, but there were no others?—That I do not know.

2859. If you know the one fact you ought to know the other?—No; but I have seen the diseased cases, and I can answer for them.

2860. I say that the reasons by no means depend entirely upon the Acts. It is hardly worth while to go back to that now, but the condition of things was very bad in 1869 at Aldershot. The women were burrowing in the drains; in fact, there were no lodgings for them to live in; and the soldier, leading an idle life, and feeling the desire of indulgence of that kind, had really no choice but to go with these women?—I do not know that; I daresay there were women not so badly diseased.

2861. I cannot extract an opinion from you which you do not entertain; you entertain an extraordinary opinion, and adhere to it, as to the soldier; but I do not know what makes the soldier different in this respect from all other human beings; that the soldier does not care whether the woman with whom he has commerce is clean or dirty, healthy or diseased?—I say in this way; that, if he intends to have connection with a woman, he does not think twice about it. He simply cohabits with her because he has met her; he does not know whether she is diseased or not.

2862. Do not you think he is likely to be affected by it if she is diseased?—Not the least.

2863. You think in that respect a soldier is different from a civilian?—I do not think that he ever thinks about it.

2864. There is only one other question which I wish to put to you upon the character of the disease. You have stated in a most positive way that there is only one syphilitic poison; and in a subsequent answer you made the admission that medical opinion was, to say the least, divided upon that subject; do you adhere to this positive statement upon that which is merely a matter of opinion?—I think it is accepted by many of the leading men of the profession who have studied the disease; I could mention several, but I will mention one, as he has taken a very prominent part in relation to this disease of late years. He has actually asserted that the doctrine or idea of the duality of syphilis is dead; I refer to Mr. Jonathan Hutchinson.

2865. Have you got any quotation from him with you?—I have not it here; but I think you will find it in the Report of the Pathological Society's Transactions in 1876, when he brought forward a discussion on syphilis before that society, at which I think almost all the Englishmen who had studied this disease specially gave their opinions; it was a very remarkable discussion upon the subject of syphilis. He brought forward, and either then or subsequently he has asserted, that the doctrine of the duality of syphilis is dead. I could mention several names if you wished it of leading men, and I think it would be advisable to do so.

2866. I think it would be better, as I am in possession of names to the contrary?—I will give you the name of Sir William Ferguson for one.

2867. Would you kindly refer me to what they have stated?—I think you will find it all

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stated

Mr. Myers,
M.R.C.S.L.

30 July
1879.

Mr. Myers,
M.R.C.S.L.
30 July
1879.

Mr. Stansfeld—continued.

stated in the discussion to which I have referred, Mr. Syme, Mr. Acton, Mr. Hilton, Mr. Cutler, Mr. Holmes Coote, Mr. Busk, Mr. Samuel Lane, Mr. J. Lane, Mr. Gascoyne, Mr. Erichson, Mr. Savory, Mr. Solly, Mr. Longmore, Mr. Spencer Wells, and as I have just stated, Mr. Jonathan Hutchinson, and abroad, a great man who is very well known in this country, Dr. Boeck of Norway, and Dr. Bidenkap of Norway; and in a humble way, I may say that some years ago I read a paper before the Clinical Society on the subject of the unity of syphilis.

2868. Are all those gentlemen special authorities on the subject?—Several of them certainly are; for instance, Mr. James Lane; I have a book here by him which I daresay you know, of lectures on this subject.

2869. It was discussed, and there were two sides in discussion?—Yes.

2870. Have you got the names on the other side?—No; I thought these names were sufficiently satisfactory to support my opinion.

2871. It did not occur to you, perhaps it would be the fairest and best way to have the names on the other side of the question?—I thought you would know them.

2872. At this moment I have not them before me, although I am not without some knowledge of them, for instance, Dr. Aitken, who is a great authority upon this subject; he is one who believes in the duality; are you aware of that?—Yes.

2873. Are you aware that Mr. Berkeley Hill belongs to that category?—Yes.

2874. This question of the duality, or the unity of the syphilitic poison, is only a theoretical part of a practical question; I take it that there is no doubt of the great practical difference in primary sores between those which are likely to become constitutional in their character, and those which are practically certain of remaining local; that is true, is it not, whether the virus be one or double; there is no practical doubt of the essential difference between those two classes and characters of disease?—That entirely depends upon the date of your examination of the case. If you make an early examination, there is no man can lay down whether a sore will be likely to produce constitutional symptoms or not.

2875. Of course it is quite natural to suppose that it would not be so easy as when it is more fully developed, and the symptoms are more clear to a practised eye, but in such a regiment as the Guards, where you examine the men weekly, practically, you have a case one week, and the next week or the week after you would be able to ascertain the nature of the sore, whether it is what is called a true infecting sore, or whether it is not; the question remains so, does it not?—Not quite.

2876. How nearly?—I must explain how a syphilitic sore can produce constitutional disease; but the symptoms, generally speaking, take on an action which would show a constitutional tendency.

2877. What do you mean by telling us how a sore may become a syphilitic sore?—It is syphilitic; it starts with being syphilitic.

2878. You say that every sore is a syphilitic sore; but do you mean to say that every sore is a constitutional syphilitic sore?—You cannot say that it will not produce constitutional syphilis.

Mr. Stansfeld—continued.

2879. It is simply a question how soon you say with certainty whether it is so or not?—May I explain the matter scientifically? Accepting that there is only one poison, it may take on two kinds of action, the one suppurative, and the other the adhesive form of inflammation. If it takes on the first, it tends to throw itself off; if it takes on the second, it tends to affect the constitution; but in either case the constitution may become affected thereby. In the cases which I have brought before the Clinical Society there was no, what is called, induration at all.

2880. You are sufficiently familiar with this kind of argument, that the virus may be dual or it may be one, and it may be impossible, scientifically speaking, at a certain moment to show to which the sore will develop; but I want to ask you as a practical medical man, whether, those exceptions apart, there is any difficulty in saying that two-thirds of the primary sores are not truly infecting, and that we can distinguish between those two-thirds and the remaining one-third?—I think it is impossible; and I would give you this as my evidence of that fact. In 1869, I think it was, the Army Medical Department issued this return which I hold in my hand (*producing the same*), and the object of it was to divide the venereal sore into two kinds, namely, primary sore, and local venereal sore. These returns were issued generally, but they differed in form so, that they could make no satisfactory deductions from them, and they were withdrawn.

2881. No satisfactory returns, I presume, you mean?—No satisfactory returns as well.

2882. They made those returns, for what period of years?—I believe they commenced in 1869; I had this from the Statistical Department.

2883. And they terminated, did they not, in the year 1874?—It collapsed; there was no order on the subject.

2884. They ceased to call for those returns in 1874?—I cannot say that they ceased to call for the returns in 1874, but there is no special order with reference to their being re-issued.

2885. We have it that they were returned every six months until they ceased in 1874; then, as I understand you, the returns which were sent in between 1869 and 1874, if we had them, would show the difficulty of distinguishing between those two classes of syphilis?—I have not seen them since, so that I am not able to state; but I know, amongst my colleagues and myself, how difficult it was.

2886. I suppose that the returns that were sent in would show that difficulty?—No, they would not; for instance, we might send them in according to this system, which I never believed in, and we might have to correct them, as we should find that we ourselves had made mistakes.

2887. I will take your case as to what you would do. In obeying that order, you would have made the return as well as you could, and, although I do not quite agree with you, if you, as a medical man, had done it inaccurately, you would correct the inaccuracies in one return in the succeeding one?—They would be corrected as well as they could be done, but it would be very difficult to carry such things in my memory. It is so many years ago now that I am speaking merely from memory; but I know as a fact that they

Mr. Stansfeld—continued.

they were found unsatisfactory, and I could quite believe it, as it is impossible to separate them.

2888. You say that you did separate them?—We separated them as well as we could.

2889. Then I presume they were found unsatisfactory, and it might be that in some way or other you pointed out the difficulty of separating them, or else why were they found unsatisfactory?—I am told by the Statistical Department that they were so.

2890. The function of the Statistical Department is simply to collate these statistics; they must have received, accompanying those statistics, I take it (it is natural to suppose so), the accompanying remarks tending to invalidate their nature as statistics?—I only know the fact that those returns were issued, but I have made no deductions therefrom.

2891. So that you can give us no clue to the cause of their not having continued or utilised this return?—In the Report of the Army Medical Department, at page 385, you will find, that on the 15th of February 1870, there was a memorandum, stating, that in consequence of a discrepancy in those returns, certain alterations had to be made in them.

2892. It seems to me that it would be clearly an advantage if those returns could be presented to the Committee, and that they are of a kind to throw light upon this question?—I do not think they would, because, as I say, they would be so uncertain.

2893. If they were uncertain, that is precisely what you would wish them to show; in the Army Medical Report for 1868, which is published in 1870, there is this passage: "Memorandum Statistical (Return of Venereal Diseases), 15th February 1870. As some discrepancy has been found to exist in the mode of filling up the return of venereal diseases in War Office Form, 825, which is now embodied in page 12, in the Revised Annual Return of Sick, War Office Form, 298, the following instructions are issued with a view to obtaining uniformity," that is to say, that those instructions were not entirely carried out?—Yes.

2894. Let us see what the instructions are, "The column of admissions ought to show the number of cases without reference to the number of men in whom they occurred, but the last three columns ought to show the number of men who were admitted, and so on." I am afraid that this will not throw much light upon the subject. It simply seems to be a memorandum for the medical officer to fill up the form, and it seems to us to have no special bearing upon this question?—I have no knowledge of it; I only used it as showing that there was a discrepancy.

2895. With regard to the question of distinguishing between infecting and non-infecting sores, you do not deny that Dr. Aitken, who was professor at Netley, was a man of considerable authority upon the subject?—He was a great authority.

2896. And he said "the peculiar clinical characteristics of the syphilitic sore may be arranged in the following order: 1. Not auto-inoculable, unless the discharge is purulent. 2. Absence of suppuration and long duration of the ulcer. 3. Induration accompanied by multiple, firm, and moveable gland lesions. The two last characteristics are especially important; for, with induration of local lesion and multiple affections

0.116.

Mr. Stansfeld—continued.

of the glands, the conjunction is demonstrative of syphilis, with as much certainty as any question in pathology"; do you agree with that view?

—Certainly not, and if I may state, Dr. Aitken unquestionably is a very great man, but he has written a very large book, and it is a compilation of the opinions of many men besides himself; I am not aware whether that opinion is his own personal opinion, or whether it is a compilation from the opinions of many men, some of whom you have mentioned. I know Dr. Aitken very well, and his practice, if I may say so, and I am not aware that for many years past he has personally had to deal much with primary syphilis in the male or the female.

2897. He goes on to put side by side the characteristics of the true syphilis and pseudo syphilis as an infecting chancre in the one case, and a soft chancre in the other?—Yes, but it is a compilation only.

2898. I will cite you another authority "Diagnosis of Chancre. It is usually easy to decide whether a sore on the genitals is derived from a local contagious ulcer if attention be paid to the distinctions that will be immediately enumerated. It is true, there is sometimes a difficulty in deciding that syphilis has not been imbibed at the same time as the local irritant. This difficulty is impossible to solve in all cases if the source of the sore is uncertain, and if the period necessary for the incubation of syphilis has not elapsed when the examination is made. In practice, nevertheless, such instances are not common; in the great majority of venereal ulcers, a positive opinion can be given at once, and for the rest, a short period of observation suffices for deciding the question, by the speedy appearance of the changes peculiar to syphilis betraying the presence of that disease." I have read to you from a book on "Syphilis, and Local Contagious Disorders," by Dr. Berkeley Hill; do you agree with that?—No, I do not.

2899. I suppose upon this, as upon other matters, we must conclude by saying that doctors differ?—Yes; but I think I may say that the majority of medical men agree upon the point. May I give another instance, namely, the Admiralty Committee in 1865, of which Dr. Skey was the chairman; there, I think, you will find that the committee in the statement which they drew up, mentioned that there were 29 experienced medical men before the committee, who gave their opinion in favour of the unity of syphilis.

2900. Did the committee pronounce the same opinion?—Mr. James Lane says, in reference to the Medical Commission appointed by the Admiralty in 1865, in his lectures on syphilis before the Harveian Society, "The evidence is a most valuable record of the professional opinion in this country on most of the controverted points relating to venereal disease, and is well worth an attentive study." I will not quote all that he said; he then puts in inverted commas the wording of the committee. "To use the words of the committee, in their Report, '29 experienced witnesses gave evidence that sores, both soft and hard, may be followed by every variety of syphilitic eruption.'" That is what I refer to. I am sorry that I cannot give the reference to the page in their Report.

2901. Those words are correct; the committee said, "It is declared in evidence by 29 experienced

Mr. Myers,
M.B.C.S.L.
30 July
1879.

Mr. Myers,
M.R.C.S.L.
30 July
1879.

Mr. Stansfeld—continued.

perienced witnesses that sores, both soft and hard, may be followed by every variety of syphilitic eruption." That, of course, was the only important bearing upon the practical question to which I am addressing myself, whether it is, practically speaking, possible, even if difficult, to distinguish between the two classes of cases, and I think, as a scientific matter especially, it is a very important difference. I have just quoted to you the opinion of Dr. Aitken and Mr. Hill, both practical men, that there is very little practical difficulty in giving an opinion?—Mr. Berkeley Hill's is a very important opinion. I wish he held the other doctrine.

Colonel Alexander.

2902. The Right honourable gentleman the Member for Halifax asked you whether it was not important to reduce the amount of self-indulgence on the part of the men; but I would ask you whether self-indulgence has not been reduced by the Acts to a great extent, because there is less solicitation on the part of the women, and less opportunity therefore for sexual intercourse with them?—Yes.

2903. Therefore, although from the diminution in the number of prostitutes, to which the Right honourable gentleman referred, each woman may now receive more men, the men themselves have less sexual intercourse with the women, and therefore they have less opportunity under the Acts of indulging in sexual intercourse?—There would be a diminution thereby.

2904. You stated, in answer to the Right honourable gentleman the Member for Halifax, that the late Dr. Parkes accounted for the reduction of venereal disease in the army by the fact of there having been a large reduction of troops between the year 1860 and 1866?—Yes.

2905. And that that reduction is given by Dr. Parkes, which I believe is not disputed, from a force of 83,386 in 1860 to 59,758 in 1866, which was the minimum year?—Yes.

2906. Of course, in order to effect that diminution, a considerable number of men were necessarily discharged?—Yes.

2907. I will not inquire into the characters of the soldiers so discharged to which allusion has been made both by the Right honourable gentleman and yourself; but I would ask you whether, during the period of reduction, recruiting was not, of course discontinued to a very considerable extent?—I believe so.

2908. Does it not accord with your experience that the recruits supply a very large proportion of the venereal disease prevailing in a regiment?—Yes.

2909. They are more susceptible of disease and more incautious, are they not, than older soldiers?—Yes.

2910. In your opinion then, this circumstance in itself, which has reduced the number of recruits, accounts for the diminution of the disease before the Acts came into operation?—I believe so.

2911. If you accept the circumstance that the recruits import into a regiment a large amount of disease, if you diminish the number of recruits, you *pro tanto* diminish the amount of disease?—That is the inference.

2912. It is alleged that after the year 1866, when the Act of that year, which was really the first efficient Act, took effect, there was an in-

Colonel Alexander—continued.

crease in the amount of disease; did not that increase nearly coincide with the suddenly increased activity of recruiting throughout the country?—Certainly.

2913. In short, the army in the United Kingdom was gradually increased from a minimum of 59,758 men in the year 1866 to a maximum of 85,722 men in the year 1872?—That is so.

2914. In consequence of this augmentation of the army you would naturally look for a considerable increase in the amount of disease throughout the army, would you not?—Ordinarily speaking, I should.

2915. Without some strong influence to counteract it, such for instance as the Contagious Diseases Acts?—I have no doubt of it.

2916. But at that time those Acts had not been brought into full working order, and were only applied, I believe, to a few stations?—I believe so; the time was not sufficient.

2917. It was only in 1870, was it not, that all the stations now under the Acts were for the first time subjected to them?—I am not aware.

2918. You may take it from me that that was the case, because the Act was passed in 1869 supplementing the Act of 1866, under which certain other stations were subjected to the operation of the Acts, and therefore it was only, we may say, for the first time in 1870, that all the stations now under the Acts were subjected to them. Instead of instituting a comparison between a force of 83,386 men before the reduction in 1860, and a reduced force of 59,758 men in 1866, was not Dr. Parkes, in your opinion, right in suggesting that it was fair to make a comparison between the original force of 83,386 men in 1860 and the augmented force of 85,722 men in the year 1872?—Yes; that is my opinion.

2919. And if that comparison is made we find a reduction, do we not, in the ratio of venereal sores from 130.6 in 1860 to 68.9 in 1872?—That would be about the time.

2920. And of gonorrhœa, a diminution from 125 in 1860 to 99 in 1872?—Yes; I have not the figures actually before me, but that is the purport of them; there was a great reduction.

2921. I am quoting all this from Dr. Parkes, to whom you yourself alluded; it has been alleged that this diminution is due to causes other than the operation of the Acts; I would ask you this; if this was the case, ought we not to find a diminution in all the districts unprotected as well as protected, similar to that which previously took place between 1860 and 1866?—Yes.

2922. But if, in the four years 1870 to 1873, the rate rose in the unprotected while it diminished in the protected districts, we may fairly infer, may we not, that the reduction of disease on the whole force is entirely owing to the diminution in the protected, in spite of the increase in the unprotected districts?—Yes.

2923. That follows as a matter of course, does it not?—Yes.

2924. In order rightly to appreciate the value of the Acts in the protected districts it is essential, is it not, when a regiment leaves an unprotected and enters a protected district, to separate all cases of disease contracted in the unprotected from those contracted in the protected district?—If you wish to have a fair statement of the effect of the Acts, you must do that.

Colonel Alexander—continued.

that. Clearly it cannot be fair to take the diseases contracted in London and put them down to Windsor prostitutes; common sense would not allow that.

2925. We have heard that the value of the statistics has been considerably impaired since 1873 by the operation of Lord Cardwell's Order, owing to the concealment of disease thereby superinduced; that remark is not so applicable, is it, to the Guards, on account of the periodical inspection of the men which still obtains in the three regiments of Guards?—To a great extent.

2926. That periodical examination prevents, does it not, to a very considerable extent in the Guards, the concealment of disease, to which Lord Cardwell's Order has given rise in other regiments of the army?—To a great extent.

2927. And in this periodical examination do you examine all the non-commissioned officers and married men?—You neither examine non-commissioned officers above the rank of corporal, nor do you examine the men married with leave.

2928. Are you of opinion that this examination of the men injuriously affects recruiting for the brigade of Guards?—I do not believe that it has the slightest effect upon them, nor do they know anything about it.

2929. Can you state about what length of time is necessary for the effectual examination of a soldier?—I take a battalion, or say 400 men to examine them, and from half-an-hour to three-quarters of an hour would do it; they pass before one very quickly.

2930. Are you in possession of any recent statistics showing the difference in the number of venereal cases in two battalions of the Guards, the one arriving at Aldershot from London, an unprotected district, and the other arriving at Aldershot from Shorncliffe, a protected district?—Yes, it happened the other day so. The battalion to which I belong went to Aldershot at the beginning of July, and although I had detected 10 cases of disease at my inspection in London prior to the departure of the battalion, within 10 days after the arrival of that battalion at Aldershot seven cases of primary syphilis and four of gonorrhœa were admitted into the station hospital at Aldershot. On the other hand, from a battalion of Grenadiers coming to Aldershot the same day from Shorncliffe no case was admitted during those 10 days.

2931. Without referring to statistics, which although useful are, to a certain extent, always more or less fallacious, there is another and more direct way, is there not, of ascertaining the difference between the amount of venereal disease in a battalion of Guards stationed in London, and a battalion of Guards stationed at Windsor or Shorncliffe, namely, a visit to the wards of the two hospitals?—Yes. I should wish that anyone who has any doubt about it, and not satisfied with the statistics, would kindly pay a visit in London to the hospital of the battalion of the Guards after that battalion has been in London two months, and pay a visit to the hospital of the battalion after it has been at Windsor two months; he would then see with his own eyes, he would not want statistics.

2932. Whereas in the case of the battalion stationed in London the hospital wards would be nearly full of venereal cases, the wards of the hospital belonging to the battalion in the country

Colonel Alexander—continued.

would be nearly empty?—Yes, and sometimes the wards are overflowing in London.

2933. Was this difference between the hospitals of London and Windsor the case in former years before the Act came into operation?—The hospital in Windsor was worse than London to the best of my recollection; there was a greater amount of disease in Windsor than in London; speaking from recollection.

2934. I remember myself that when stationed at Windsor in the summer of 1866, the venereal disease was so rife that it was found necessary to pitch tents in order to supply additional hospital accommodation; is such circumstance within your experience?—Yes, I have known an extra ward taken for it for the purpose.

2935. It has been suggested that the improved condition of the soldier of late years may have tended quite as much, or perhaps more, than these Acts to diminish the amount of venereal disease; is that your opinion?—No, for this reason, that although it might apply, it only applies in the opposite direction, namely, to the greater amount of money and the greater freedom at night.

2936. Have you any reason to believe that venereal disease has increased in London of late years?—I certainly believe so.

2937. Is the character of the disease of a worse and more aggravated type than formerly?—With regard to that I should say that in London the disease amongst men is very much as it was, but that in Windsor the disease contracted from prostitutes under the Acts is certainly less severe; of that I feel no doubt.

2938. Is not Chelsea one of the worst districts in London as regards venereal disease?—I think the Wellington Barracks and Chelsea run one another very hard; perhaps Chelsea is the worst.

2939. Does it surprise you to hear that in a battalion which was stationed at Chelsea, it was found necessary to extract the eye of a soldier who was affected with secondary syphilis?—No, it does not surprise me.

2940. Dr. Barr was asked by the Right honourable gentleman, the Member for Halifax, at Question 2038, whether he was aware that Mr. Skey, the Chairman of the Medical Committee, had expressed an opinion, after the sitting of that Committee, that the views which had been ascertained with regard to the severity of syphilis had been exaggerated? to which Dr. Barr replied that he had been rather startled to hear it; do you concur with Mr. Skey in that opinion?—Mr. Skey disproved himself afterwards.

2941. Do you happen to have seen a letter, dated December 1871, addressed to the Right honourable H. A. Bruce, Secretary of State for the Home Department, by 14 eminent physicians and surgeons, including Mr. Skey?—More than 14; 40, I think it was, or more.

2942. By a good many eminent physicians and surgeons, including Mr. Skey?—I think you might say the most eminent physicians and surgeons in London, including Mr. Skey.

2943. In that letter the following passage occurs: "Firmly convinced, as we are, of the deteriorating influence exercised by this form of disease on the public health, and painfully familiar with the serious suffering which it entails on large numbers of innocent individuals, we are most anxious that, in any forthcoming measure, nothing should be done to weaken the beneficial

Mr. Myers,
M.R.C.S.L.

30 July
1879.

Mr. Myers,
M.B.C.S.L.
30 July
1879.

Colonel Alexander—continued.

sanitary operation of the Acts at present in force which can be shown to have reduced the more serious form of disease by considerably more than one half in the districts where they are in operation"?—That is true; he did sign that, and I have it in evidence that it was his own manuscript.

2944. Therefore as a fact, you think that Dr. Skey gave an opinion which was entirely at variance with a former opinion which he had expressed upon this subject, and which was quoted the other day by the Right honourable gentleman, the Member for Halifax?—Yes, I think so, as opposite as black is to white.

2945. In your opinion has the Act been beneficial in lessening secondary venereal disease in your regiment?—Yes, but secondary disease is a very difficult matter to deal with statistically. I am not sure that I could give statistics to show a great benefit from secondary syphilis, and for several reasons; first of all, there is so much greater attention paid to syphilis of late years, and diseases which were never attributed to syphilis are now entered as syphilis. And another point, since the men's pay has been deducted for this disease, it has only been fair to believe that a man with the first disease is treated as though secondary disease had set in, in order to give him the benefit of the doubt, so that he might have his pay, as pay is allowed for secondary disease, and therefore that would increase the number with secondary disease, so that I should be sorry to give any statistics; in fact, I know that there are statistics to show that secondary disease has not diminished, but I am sure practically that if you reduce, if I may so say, your A's, and your B's are dependent upon your A's, it is a matter of fact that your B's must be reduced accordingly.

2946. If you reduce the amount of primary disease, a reduction of secondary disease must follow as a matter of course?—I contend according to the argument, that if you reduce the factor the other must be reduced.

2947. Can you account for the increase of gonorrhœa during the last two years throughout the Army?—Certainly; the loss of pay, and the absence of inspection of course prevents the men reporting themselves.

2948. Would you not say that the short service of the Army was an important factor in increasing the amount of gonorrhœa?—I have admitted already that with reference to both diseases.

2949. Can you state at all what other diseases are likely to be produced or aggravated by syphilis?—Hereditary syphilis, of course, is one of the most important points with reference to the diminution of primary syphilis, and the lamentable effects that it produces upon offspring.

Sir Harcourt Johnstone.

2950. You do not consider, do you, that there is more temptation in London than there is Manchester, Dublin, and Sheffield?—I have no particular knowledge of Manchester and Sheffield. With regard to the Guards, I do not think they have so much temptation in Dublin.

2951. As a matter of fact, do they go to Dublin?—We used to.

2952. And you used to go to Chester and to Winchester at one time, did you not?—Yes; but

Sir Harcourt Johnstone—continued.

we have been to Dublin, within my recollection, I think, on two occasions.

2953. I think you stated that the more young the men are the more liable they are to disease?—Yes.

2954. And I think, in another part of your evidence, you stated that when recruits went to Warley, which is a comparatively healthy place for the recruits, whilst there there was but little disease among the recruits in the Guards?—Yes.

2955. How do you account for this apparent discrepancy?—That shows how easily mistakes can arise. If you know the life of a Guards' recruit, he has not much inclination, I think, to go about at night; he is worked pretty well all day long at drilling, and he is not very keen about going out at night.

2956. He gets five or six hours' drill in the day, but not more?—Yes; but still it is a hard life, which does not apply to an old soldier.

2957. Do not you think that the disease has become mitigated in severity all over the country in the last 30 years?—I cannot say about the country altogether, but I cannot believe that the disease in London, which is the great representative of the country, has diminished.

2958. Not in its real severity and virulence?—The question is a very difficult one, because syphilitic disease is as definite as small-pox; it is a definite poison.

2959. Also it sometimes comes like small-pox in epidemics, does it not?—I do not believe that.

2960. It has been stated in evidence by one of your medical brethren that it is so?—In this way, if you choose to call that an epidemic, there sometimes comes into a place a lot of prostitutes, and their coming there would be an epidemic, in that way.

2961. You do not think it manifests itself except in an exceptionally hot year?—Perhaps the soldiers dissipate more in the summer than in the winter.

2962. On the question of recruits, and the number of recruits affecting the amount of disease in the Army, how do you account for this fact, that in 1870 there was a considerable number of recruits; 25,473, as against 11,089 in 1869, and yet the number of cases of disease fell to 266?—I believe that it was due to the benefit of the Acts.

2963. I will take it before the Acts, if you like; the number of recruits in 1864 was 15,000, in round numbers, and in 1863 the number of recruits was 6,000, but the number of cases of disease fell from 1863 to 1864 876 in number in spite of there being 9,000 additional recruits; how can you say that there is any relation between the two causes?—I think it is most difficult in dealing with statistics of that kind to express an opinion without carefully working out those statistics, and seeing if one cannot give explanations of them.

2964. Still you pin your faith on the fact that recruiting does influence the quantity of disease, in consequence of the great number of young soldiers that are brought to town; surely when I tell you that it is the case in this table in the Army Report, that in the years when there was most recruiting there was, on the whole, the least disease, should you be prepared to believe that?—I am bound to believe it if you say it, but I am very much surprised at it, and I think it is

contrary

Sir Harcourt Johnstone—continued.

contrary to reason to think so; that with a greater number of recruits you have less disease.

2965. Will you take it from me, that in four years out of 18, your theory would hold good, and that the reverse will obtain in all the other years?—I will take it from you, if you say it is so. The fact is, whether the figures there show it or not, that we have more young soldiers, and since we had had so many recruits passing through us, owing to the short service, we have had infinitely more disease. May I ask whether in this statement you have got syphilis alone, or syphilis and gonorrhœa mixed up together?

2966. Primary sores and syphilis combined?—If you combine them that makes a great difference.

2967. But in your returns have you not taken out the primary sores and gonorrhœa together?—No, separately; my argument would not apply so much unless you separated those diseases.

2968. It does not show that there is any other deduction to be drawn from your inference, that according to the number of recruits, so is diminished or increased the quantity of disease?—I am sure as a fact that there is a greater amount of primary disease amongst younger soldiers than amongst the older ones.

2969. Do you think that those 14 medical men who have stated that the disease has largely increased, are really aware of the fact, including Dr. Skey?—I think you will find there were more than 14; I think there were 40.

2970. I will allow you 400 if you like; but do you think that they were aware of the fact?—The names themselves would be sufficient evidence of the fact.

2971. Do not you think that people are very apt to talk of these things under a general impression that there is an increase of disease?—Some might.

2972. I want to know whether you are aware that the disease fell off in the Army from 1861 to 1866 in the proportion of 31 to 23 per 1,000 men?—I cannot examine these statistics myself; I have to take them from you; I do not know whether at certain periods you are mixing up primary syphilis and gonorrhœa together, or not.

2973. In this case I am taking the admissions to hospital for secondary or constitutional syphilis, which is the dangerous or the hereditary form of the disease?—I think it is dangerous from its early stage.

2974. However, this is the danger upon which the Acts were originally brought in. I am asking you whether you are aware that this disease fell off in the Army from 1861 to 1866 in the proportion of 31 to 23?—I was not aware of that.

2975. Are you aware that it has been considerably higher than it was in the year 1866, up to the present time, with the exception of one year, 1871?—Are you still dealing with secondary syphilis?

2976. I am dealing with secondary or constitutional syphilis?—May I ask whether that is Dr. Bell Taylor's return to which you are referring?

2977. Yes?—Of secondary syphilis, as I have stated before, it is practically almost impossible to form a just opinion with reference to this question; but I still maintain that although that return of Dr. Bell Taylor's shows, I would say, an increase except in one year, it must be borne in mind

0.116.

Sir Harcourt Johnstone—continued.

that some of the years taken are years when the concealment of disease was so very great, that naturally secondary syphilis would be more frequently returned. the primary sore having hardened before the man was taken into hospital, and therefore that would be a factor towards developing the secondary syphilis returns.

2978. I will take it from the year 1861 to 1872; is it not the case that there was less constitutional disease before the Act came into operation than there has been since?—I have a return with reference to this of Dr. Bell Taylor's, taken from the Statistical Department of the Army Medical Department, and I must ask you to take my statements of the case from this. They are returns which I get from the officer who works out those returns, and I find that from 1860 to 1864 inclusive, the ratio of secondary disease admissions was 34.26, and that from 1865 to 1872, inclusive, the ratio was 25.99, and from 1873 to 1878 the ratio was 25.66. The fault of Dr. Bell Taylor's return is this, that he commenced his from 1866, whereas my return commences from 1860. Thus I may state that in this return from the Army Medical Department there is a very distinct diminution of secondary syphilis, of from 34 to 24 per 1,000.

2979. That diminution obtained between 1861 and 1866 to the amount of 31 to 23, before the Act came into force at all, and therefore if there was a diminution going on before the Act, that diminution has been in spite of all the expenditure and all the trouble and all the care of the Contagious Diseases Acts, and if that diminution has not been, at all events, greater since, what inference would you draw; is it that the Contagious Diseases Act had been of such immense benefit?—My inference is this, that it is not good to judge of the effect of the Acts by a secondary cause until you allow those Acts a long period of time. When you consider that the secondary effects in these years were developing, you cannot expect to show satisfactory evidence of the benefits of the Acts through secondary syphilis as to the early periods.

2980. Before the Acts came into operation there was no short service at all, and therefore you had not so many of those dangerous young men passing through the ranks?—No.

2981. In spite of that, do not you maintain that the disease had diminished, although you have had this great addition to the number of young men marching through the ranks, who you say are a dangerous class?—Primary syphilis has not diminished in London; I have had great experience with our Guardsmen, and certainly the disease has not diminished in London.

2982. With regard to other stations, excepting Windsor, will you take it as a matter of fact from me that according to your own Army Returns which are here, Athlone, Fermoy, Belfast, Hounslow, and Edinburgh have a lower average rate of disease than Windsor, which is a subjected station?—That may be so, but I can explain that, namely, that our battalions are constantly moved from London to Windsor, and they must be importing a certain amount of disease, but if in fairness to the Acts we only took those cases of disease contracted in the district, you would then see what the Acts would do.

2983. I suppose that certain regiments are not constantly at Edinburgh, but there is some change of regiments to Edinburgh?—Yes.

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2984. Hounslow

Mr. Myers,
M.R.C.S.L.
30 July
1879.

Mr. Myers,
M.R.C.S.L.
30 July
1879.

Sir *Harcourt Johnstone*—continued.

2984. Hounslow has dangerous attractions from its neighbourhood to London, and is not of reach of prostitutes following the regiments there; how is it that Hounslow compares favourably with the more favoured Windsor?—I consider that Windsor has a much lower rate than Hounslow; you have 62, 106, 85, and 88, and in one year 45.

2985. Take a period of seven years running from 1867 to 1873, before Lord Cardwell's Order, I think you can show that from figures in the Army Report those stations will compare very favourably with Windsor?—I am not aware.

2986. You find at Fermoy, 432; at Hounslow, 503; Edinburgh, 424; Athlone, 204; Belfast, 582; and Windsor, 612?—Is that the ratio of admissions to hospital on the main strength per 1,000 for primary venereal sores?

2987. Do you think it possible that the strong Presbyterian feeling existing in Edinburgh and Belfast may have had something to do with the character of the soldier population?—I know this, that in Dublin, certainly, where there is a Roman Catholic population, our men do not get the opportunities that they have in London.

2988. Perhaps amongst the Scotch and Irish there is rather more morality than amongst the English?—That may be so.

2989. That is a factor which must be taken into the comparison, must it not?—I am very much surprised that there could be any comparison.

2990. How long does the disease take to develop itself as the minimum and maximum period?—The minimum we will say is three days, and the maximum three weeks or more.

2991. Do you mean the primary sore?—I mean the development of constitutional hardness; the other sore might heal in three days.

2992. If the efforts of the local police have diminished the number of brothels in Windsor, and the operation of the Beerhouse Act of 1870 has diminished the number of beerhouses which were always the refuges of prostitutes, is it not possible that in those towns prostitutes may have been drawn from Windsor and elsewhere?—Clearly they have gone from Windsor.

2993. While you are driving them from Windsor, are you not driving them back to London?—I do not know where they go. Perhaps they go into service, and perhaps they get reformed.

2994. While they are diminishing on the one hand in Windsor, they are increasing in London?—It would be a drop in the ocean their coming from Windsor to London.

2995. However, you have no doubt that a great many women do follow the soldiers from one place to the other?—I do not think it is so much the case with regard to Windsor, for they can have dealings with but very few prostitutes in Windsor.

2996. If you cannot put the Acts in operation in those other towns where those poor creatures follow them and avoid the operation of the Acts, of course you are unable to lay hold of them to prevent their spreading disease?—Yes, but I always maintain, and I think every medical officer in the Guards maintains, that the evidence of Windsor and London, with reference to this question is a most important one, because it is a small body of men between two stations; I have now a table before me from a medical officer

Sir *Harcourt Johnstone*—continued.

who was in the Grenadier Guards; it is drawn out for a long period, and it is very interesting as showing the state of his battalion; it is from Surgeon Major Lane, who is now in the Scots Guards, but he was in the Grenadier Guards. He has put before me a table from March 1868 down to March 1879, a period of 11 years, and he then gives the admissions and the ratio of them, and it is interesting to see the very great difference in the two stations. I will scarcely read the figures down except to show you that they run up to 292; the highest is 292 and 285 per thousand in London, and in Windsor it goes down to 58, 52, and 55.

2997. Are you speaking of primary venereal disease?—Yes, primary venereal, in the case of the Grenadier Guards. The great advantage of these statistical tables of regiments individually is, that it avoids mixing up the cavalry with the infantry.

2998. Does not that rather diminish the value of your argument, when you have a regiment with a comparatively low rate of disease associated with you at Windsor?—Yes, that would be a benefit to us, but we do not take them in.

2999. These tables are drawn up, are they, with reference to the same number of troops?—In the statistics we have avoided taking them; if we did take them in it would make our ratio lower, and we are honest enough not to put them in. Certainly, I think it is an undoubted fact, that there is much less disease in the cavalry than in the infantry of the Guards.

3000. Do not you think it would be possible to raise the character of your Scots Guards, which is a very fair regiment, up to the character of the cavalry regiments?—Yes.

3001. Do you think it is the increased pay, or what would you suggest as the cause of the great difference of character between the two regiments?—I think that the life has something to do with it; the pay and the life.

3002. And the higher standard?—Yes, the higher standard, taking them altogether; they are more young farmers in the cavalry, and some of them the sons of gentlemen.

3003. Do you not think that the fact of the non-residence of the officers amongst the men has anything to do with the low standard of outward decency, at all events, as between the two regiments?—Not the least; for instance, our officers at Windsor are, perhaps, a great deal more with our men than they are in the cavalry.

3004. You have referred to the Wellington Barracks, which I pass every evening; nothing can be worse to the outward appearance than the immorality there; do you think even the Wellington Barracks would not be improved by the officers constantly living amongst the soldiers?—There are a good many officers living in the Wellington Barracks; I daresay there are ten officers living in the barracks at this moment; ten in a battalion and a half.

3005. In a medical and hygienic point of view, if the hygiene of the cavalry regiments is better than it is in the Foot Guard regiments, what means would you suggest for the improvement of your own regiment in that respect?—Pay them better. There is one thing which I think might be done which would not be much expense, and that is that the soldiers' beds might be separated from each other by the smallest partition,

Sir Harcourt Johnstone—continued.

tion; that would add something to the self-respect of the soldier.

3006. I apprehend, also, if you got a respectable class of men to enter the army, like policemen, that would be rather a necessity for their looking at it in that light?—Yes, as they cannot get married at such an early date, such things as that would improve the condition of the soldier.

3007. Looking at the soldiers and the police alongside, in which do you think the best hygienic result is obtained?—Amongst the police, clearly, because they can marry.

3008. A good deal of this disease which we are trying to combat arises really from the celibate condition of the soldiers, as only a very small proportion are allowed to be married; in fact, the number having been reduced from 7 per cent. to 4 per cent.?—Yes, that would have some effect.

3009. At all events, there is this great advantage, that the police have not the same occasion to associate with prostitutes, and you would not want a cordon drawn round a police barracks?—Certainly not.

3010. And, therefore, the conditions of life which you think are preferable for the police, might be improved with regard to the soldier?—Yes, they might be improved.

3011. With regard to the cordon which I know has recommended itself to the various officers commanding the battalion of Guards, would you extend your pickets, not only round Westminster, but to Piccadilly?—No, I think not; I do not know where the men go. I think it would be impossible to extend them; but I do not know what the orders are about picqueting or how far they go.

3012. If that be an impossibility, how do you imagine that you will ever be able to get the disease reduced if London is to be left in this condition of a highly-favoured nation, and allowed no benefit from these Contagious Diseases Acts?—I do not think you can reduce the disease amongst the prostitutes who have to do with the civil population, and show any benefit from it in such a large capital as London.

3013. But in camps or places where soldiers are quartered, like Hounslow and those other places that I have pointed to, the disease appears to have been reduced without cordon, without picquets, and without the Contagious Acts?—It is very surprising. I wish we could find in our experience in London that the disease has been diminished.

3014. You are aware, are you not, of a Return which was given to Parliament last year, of the comparative amount of disease amongst the cavalry and infantry in London?—No, I am not.

3015. Will you take it from me that there was only about one-fifth part, taking man for man?—I am quite sure that a great many more are allowed to marry in the cavalry than in the infantry.

3016. It is much more tolerated?—Yes.

Mr. Stansfeld.

3017. Could you give the percentage?—No, because I think there are a great number of men who marry without leave, but in the cavalry they are more able to support their wives without leave than in the infantry; a very large proportion of the men are married in the cavalry.

0.116.

Sir Harcourt Johnstone.

3018. Or who, if they do consort with prostitutes, consort with what are called the more respectable class?—Perhaps they do, those who use prostitutes.

Mr. Shaw Lefevre.

3019. When was the reduction made in the ratio of men permitted to marry from 7 to 4 per cent.?—I cannot tell you the date; it was not very long ago.

3020. Since the introduction of the short service?—I think so.

3021. Are there many men in the Guards who are married without leave?—It is impossible to find out; but no doubt there are a great many.

3022. Have you reason to believe that there are a great many?—Yes; but not nearly so many as in the cavalry.

3023. Can you give us the least idea what the number is, or what kind of proportion?—No; no one knows.

3024. But it is a very considerable number?—It is a popular idea that there are a great many; but I cannot get hold of the evidence to prove it.

3025. Do you know whether many married men come into the hospital with venereal disease?—Very few; I have had cases, but they are very few.

3026. Were they married with leave or without leave?—We do not know when they are married without leave; we have no evidence of it.

3027. You examine periodically, as well as the other men, those who are married without leave?—Yes; we cannot recognise them; we know nothing of them.

3028. In answer to a question of the honourable Member for Ayrshire, you drew a comparison between the state of the hospitals in Windsor and London, and you drew an argument of the enormous benefits derived from the Acts as shown by the very greatly reduced number remaining in hospital at Windsor?—Yes, as a practical demonstration of their benefit.

3029. Would not the same comparison hold between London and a great many other places where there was protection by the Acts?—My experience can only go between London and Windsor; and certainly before the Acts came into force in Windsor we were overrun with syphilis.

3030. I am now making the same kind of comparison between London and other places, and Windsor and places which are not under the operation of the Acts?—I do not think that any place can compare with London, where vice is so rampant amongst the lower portion of the population.

3031. A great many places compare with Windsor in results, even although they are not under the Acts?—Yes.

3032. Are you aware that of the 14 places not under the Acts which have been laid before the Committee, there are eight where the ratio per thousand in the case of syphilis is lower than in the case of Windsor, which is under the Acts?—I have just been informed so, but I have not worked out any statistics of the kind.

3033. Would not the same observation be made with respect of any one of those places where the ratio is less than it is in Windsor?—Before answering that question, will you kindly

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Mr. Myers,
M.R.C.S.L.

30 July
1879.

Mr. Myers,
M.R.C.S.L.

30 July
1879.

Mr. Shaw Lefevre—continued.

tell me whether you are again dealing with primary syphilis and gonorrhœa combined.

3034. I am dealing with primary syphilis, and I find that the figure shows that out of 14 places not under the Acts, there are eight where the ratio per thousand in the case of primary syphilis is less than in the case of Windsor?—I was not aware of that until I was informed of it just now.

3035. You did not examine the figures with a view to see whether there were other places in the same condition as Windsor?—No, my experience is entirely between London and Windsor.

3036. And you think it satisfactory to draw an argument simply for comparison between those two places?—Yes, I wish that some of the Committee would draw the unpleasant comparison themselves.

3037. Do you think that for the purpose of forming an opinion upon the operation of the present Acts, it is sufficient to draw a comparison between London and Windsor, and to look only at those two individual cases?—I think you cannot have more important evidence than as between London and Windsor, because it is so unvaried.

3038. Supposing it were proved to you that in 14 places which are unprotected by the Acts there are eight where there is even a greater difference in the ratio as compared with London, would not that very much tend to show that it is not the application of the Acts which creates the difference between London and Windsor?—I could not explain it without going very carefully into it, but I have my own personal knowledge which I go upon, and which is, that before the Acts came into use, Windsor was decimated by disease.

3039. I am comparing the condition of Windsor relatively to London as compared with the condition of eight other places out of 14 which are not protected by the Acts, and I am now asking you whether if it were proved to your satisfaction that out of 14 of those places not affected by the Acts, there are eight where the ratio per thousand is less in the case of primary disease than it is in Windsor, that would not tend to prove that the difference between London and Windsor is not correlative with the Acts?—Before I satisfy myself upon that point, I should like to inquire very closely into the circumstances of the case, independently of statistics, and work out, if I could, the reasons for such a surprising fact, because it is a surprising fact to my mind.

3040. Does not it appear to be a most startling fact that out of 14 places not protected by the Acts, there are eight where the ratio per thousand in the case of primary syphilis is less than it is in London?—Then there must be other influences in force which I have no knowledge of, but which, by close investigation into the matter, we might detect, and which might account for the difference.

3041. Going to the comparison of the case of Windsor before the operation of the Acts, have you any figures to show the state of the case?—Yes, I think it is worth noting that those statistics which were put before another Witness did not go back very far; we cannot get them, I think, beyond 1866 in the Army Returns; before that period the Returns for Windsor and London were mixed.

3042. You cannot get them before that time?

Mr. Shaw Lefevre—continued.

—They commence in 1865, from our regimental returns; I prefer working out my own statistics, where I could be more satisfied with regard to the station and a variety of other circumstances.

3043. Can you go further back than 1865?—No.

3044. Why is that?—Because, unfortunately, as I consider it, in consequence of the great accumulation of returns in our hospitals, it has been found necessary from time to time to destroy the records which have been accumulated and then sent to the Army Medical Department, so that I think we have no records that go beyond 1865.

3045. Has the Army Medical Department got statistics of a previous date?—No, they are destroyed; they destroy them after a certain period; I was investigating the working of some statistics in the Army Medical Department some years ago upon another subject, and I found that I could not go beyond 1860.

3046. But between 1860 and 1867 cannot the Army Medical Department get statistics separately for Windsor and London?—They cannot; they were not separated before 1866.

Mr. Cavendish Bentinck.

3047. You stated, I think, that you consider that prostitution is inseparable from a camp, or from an assemblage of soldiers in any one place?—Not from a camp, because the police, in a measure, can keep away prostitutes from a camp.

3048. I mean that the necessity for prostitution is inseparable from a camp or barracks?—Practically it is so.

3049. If such a thing were to happen as that they were to be removed by physical force, by wholesale imprisonment, as has been suggested, do you think the prostitutes would not find their way back again?—Certainly they would.

3050. Either themselves or others of a like class?—Yes, as I have said before, where there is a demand there is sure to be a supply; I do not care what it is.

3051. I infer from your evidence that you consider that they are absolutely necessary for the soldier in his present condition?—Unfortunately, necessary.

3052. But, however unfortunately, nevertheless a necessity?—Practically so. I suppose it is the result of the life of the soldier.

3053. With regard to the power of the police, I suppose you are aware that under the Police Metropolis Act, and also, I believe, under the Towns' Clauses Act, the police have very large powers over prostitutes that are found in the streets?—In London they have, under the Vagrancy Act.

3054. Larger powers, in fact, than they have under the Contagious Diseases Acts?—I cannot say that.

3055. With regard to the letter of Dr. Bell Taylor, there is a return for a certain number of years with regard to cases of constitutional syphilis, and you will observe that that return includes the cases of the whole army; in protected, as well as in unprotected districts?—Yes.

3056. And you will observe that it does not distinguish between the cases in the protected districts and the cases in the unprotected districts?—They are joined together.

3057. Therefore, for the purpose of coming to a determination

Mr. Cavendish Bentinck—continued.

a determination with regard to the operation of the Acts, are they not unreliable?—Certainly.

3058. And from that fact they are no real test of what has happened with regard to constitutional syphilis in the protected districts?—That has no effect upon the protected districts.

3059. The inquiry that we are conducting now refers to what has been the result of the operation of the Acts?—Yes; and I should like to point out one thing with regard to that, that a regiment may be in a station protected by the Acts, and may have, practically, very little primary disease; but if it has come from an unprotected district it then gets the secondary diseases of those men who were infected in the unprotected districts, so that it is just the reverse, they have no primary disease; but if you come to work out the statistics, the probabilities are that there would be a large amount of secondaries, the secondaries being produced by the previous period.

3060. Does not that go to show that for the purpose of testing the operation of the Acts the letter of Dr. Bell Taylor is entirely unreliable?—It is not useful; it is reliable so far as the statistics are concerned, as well as he can produce them, but they are no evidence.

3061. I mean unreliable with regard to the operation of the Acts in the protected districts?—Yes, I think so.

3062. On the whole you are of opinion that the Acts have been very beneficial in their operation?—Most beneficial.

3063. Do you think that if they were now repealed, and their provisions ceased to operate, syphilitic disorder and gonorrhœa would decrease in the army of themselves?—Certainly not.

3064. On the other hand, do you think that such diseases would increase?—They would tend to increase.

Mr. Stansfeld.

3065. Just now, in answer to a question of the right honourable gentleman who asked you whether you did not think that women, as prostitutes, were necessary for soldiers, you said not in camps; what did you mean by that?—I misunderstood the question; I meant by that answer that when they were in camps they could keep prostitutes away.

3066. Then, in your opinion, with regard to soldiers in camps, it is possible to keep prostitutes away?—In certain camps; supposing we were camping out in an ordinary camp; I do not mean in a fixed camp.

3067. Do you mean Aldershot?—No, I mean camps in the strict sense of the term; a camp to which soldiers may be sent off anywhere and live in tents, and not as a fixed place.

3068. Do you mean to apply that answer of yours to Aldershot or not?—I mean to apply it generally, because Aldershot is a garrison practically; you have a camp there, but it is really a fixed garrison.

3069. Will you name a camp in England to which your remarks would apply?—I was referring then, generally speaking, to where the troops camped out, and where many prostitutes could not come very well within the ranges; I misunderstood the question.

3070. Where soldiers are encamped, not merely camping out in tents, but encamped as they are at Shorncliffe, which is a permanent

Mr. Stansfeld—continued.

camp?—It is practically a garrison; they live in huts instead of houses.

3071. What one means by a permanent camp is this: a place where you have a certain military force by itself, and which builds its own tents or huts, or whatever they are, and is not in the middle of a civil population; that would apply to Shorncliffe; would it apply to Aldershot?—Yes.

3072. Is it not within the power of the military authorities, with a camp of that kind, to keep prostitutes away from the camp?—They do now at Aldershot, as far as the camp part is concerned.

3073. I mean, is it not practicable for them, in what we agree to call a permanent camp, to keep the women away from the soldiers to a degree that we cannot do where there are garrisons in our large towns?—Whenever there are camps there are prostitutes, but they are kept out of a large radius.

3074. I am asking you as to the power of the military authorities, because their power is not only to keep prostitutes out of a certain area, but they exercise control over the soldiers; therefore I ask you, with regard to a permanent camp, whether it is not true that they could, if they chose, keep those women away from the men?—Not altogether, I think.

3075. But to a very great extent?—In a measure; I do not know what actual power they have.

3076. But to a very much greater degree than they can in a town?—To a great degree.

3077. Therefore, so far as those camps are concerned, they could reduce vice, and consequently disease, to a far greater extent by this process in camps than they could in towns?—I do not say to a far greater extent, but to a great extent.

3078. Considerably greater?—No. I should say to a great extent. I could not say considerable.

3079. In towns it is practically impossible to keep the women at a distance, as you have told us?—Yes.

3080. In a permanent camp of that kind, first of all you could keep those women out of the camp, which is a much larger place than a barrack, and secondly, you have greater control over the soldiers as to going beyond bounds?—Yes.

3081. Just using the special power which one hears of from time to time, what I want to know is, can you not at Aldershot impose a greater check upon the disposition to licentiousness on the part of young soldiers than you can in London?—Certainly.

Colonel Alexander.

3082. Aldershot is so extensive a camp, is it not, that it would be very difficult to keep away prostitutes altogether from its neighbourhood?—Impossible.

3083. With regard to a question put to you by the honourable Baronet the Member for Scarborough; it is scarcely fair to institute a comparison between a considerable body of men like seven battalions of the Guards, about 5,600 men, and a very small body like the Life Guards and the Blues?—Certainly not; there is no comparison.

3084. The Life Guards and the Blues are an exceptional body of men, with exceptional privileges, are they not?—Yes.

Mr. Myers,
M.R.C.S.L.

30 July
1879.

Mr. THOMAS BOND, F.R.C.S., called in; and Examined.

Mr. Bond,
F.R.C.S.,
30 July
1879.

Chairman.

3085. You have had considerable experience in venereal disease, have you not, in your practice as a surgeon?—I have, in London, for 20 years.

3086. You were formerly, I think, surgeon to the A. Division of Police?—I was, and I am now surgeon to the A. Division of Police.

3087. You gave evidence, did you not, before the Royal Commission, in 1871?—I did.

3088. And you made various statements with regard to the prostitutes who frequented the haunts of soldiers, and their habits; have you referred to your evidence lately?—Yes.

3089. Do you still adhere to that evidence?—Yes, I adhere to the evidence which I gave then.

3090. Looking at the experience which you have acquired since that period, and at your experience of 20 years, during which you say you have been as a surgeon in considerable practice, is it your opinion that syphilis is unchanged in its character?—That is quite my experience.

3091. Do you think that it is the same thing that it was 20 years ago?—Quite as bad as it was 20 years ago.

3092. The treatment has improved, I believe?—Yes.

3093. But the severity of the disease has not lessened?—Not in the slightest degree.

3094. Is not the type of the disease milder than it was?—Not in the slightest degree; I am getting cases every day as severe as ever I saw 20 years ago, or anybody else saw.

Mr. Cavendish Bentinck.

3095. You are one of the surgeons to the Westminster Hospital, are you not?—Yes.

3096. Do you see many cases there?—I should say that I see 50 cases of syphilis a week.

3097. And you think that the type has not in any way moderated in its character?—Not in the slightest.

3098. Not since the time when you gave evidence before the Royal Commission?—Not at all.

3099. I think you told the Royal Commission that you were surgeon to the Voluntary Lock Hospital?—Yes, I was at the Voluntary Lock Hospital in Petty France. It was voluntary before the patients went in, but it was not voluntary after they were in. I mean to say that they were detained there against their will. Under the provisions of the Local Government Board, they did not allow anyone with a contagious disease to go out from the workhouses or infirmaries until he was cured. They came in voluntarily, but they were detained there compulsorily.

3100. Were they paupers, in fact?—Yes, they were obliged to be paupers before they could be admitted.

3101. Under those circumstances you were able to cure a number of them?—I cured great numbers.

3102. If there had not been the power of detention, would you have been able to have cured them?—I could not have cured many of them except by a year's constant treatment; many of them stayed over twelve months.

3103. Therefore, do you consider if there is a provision by Act of Parliament whereby it is

Mr. Cavendish Bentinck—continued.

only possible to detain them for a limited period or for a specified period, that that is a provision which is likely to be evil in its effect?—Yes; I think the power of detention should be unlimited.

3104. Because there would be many bad cases which within that period it would not be possible to cure?—Quite so.

Mr. Stansfeld.

3105. We have had different opinions; the doctors differ; but you are of opinion that the character of venereal diseases has been unchanged of late years?—I am.

3106. Are you aware that that opinion is not shared by the whole profession?—Quite so.

3107. But although the character of the disease has not altered, practically speaking, it is not so serious from the improved treatment?—Yes; from the difference in the treatment possibly the deaths are not so many.

3108. What is the improvement in the treatment?—The salivation, the mercurial treatment, is not carried to such a dangerous and unwarrantable extent as it used to be.

3109. Therefore, if we look back upon the times when syphilis was much more dreaded than it is now, and it was held up as presenting greater horrors than now, we should not be wrong in saying that those horrors were a good deal more due to the mercury than to the disease itself?—That was one of the horrors; there was another horror also from the want of knowledge when to apply mercury, both from non-application and from excessive application.

3110. With respect to the non-application, the gradual tendency has been to employ less and less mercury, has it not?—No, certainly not; I give more mercury than I suppose some others do, but I give it with discretion.

3111. Is your answer to me this: that the general tendency in medical practice in the last 20 years has not been to a very great reduction in the use of mercury?—I am quite prepared to say, with regard to the treatment of hospital surgeons in London, there is no evidence whatever of their diminishing the quantity of mercury in syphilis. Recollect, I say syphilis; I do not say venereal ulcers; I say the disease called syphilis.

3112. To take their statement of their opinions from their evidence there would appear to be a difference of opinion also with regard to that?—I do not think there is much difference of opinion about it. All well-educated hospital surgeons still give mercury in large quantities. They give it in perhaps larger quantities, but over prolonged periods; not in such large doses as once they did.

3113. The difference is that they do not give it as to the primary cases?—They do not now give it in cases of simple sores, which were formerly often treated with mercury.

3114. In your judgment, in the case of a simple sore they do not administer mercury?—Certainly not.

3115. What proportion of cases would those be?—I have no statistics. I can only give you my own experience. About one-third of the sores that I see at Westminster Hospital are syphilitic. That is my experience.

3116. Do

Mr. Stansfeld—continued.

3116. Do you readily distinguish between syphilitic and non-syphilitic sores?—In about one half of the cases I can. Other cases are so masked with dirt and inflammation that I have to wait.

3117. Supposing that a patient was clean, and was treated in a proper way, within what period of time could you fairly undertake to judge of the character of the sore?—It is rather difficult to answer positively. I should say three months is the outside time. I generally wait, if I am undecided, until I see evidence of constitutional syphilis.

3118. Would it be the hardening of the sore?—No, if the sore were followed by roseola it would be syphilitic.

3119. Secondaries, do you mean?—I discard the word secondaries altogether. I prefer sequelæ. In doubtful cases I wait to see whether there are any sequelæ of syphilis, and again I am able to judge from the healing of the ulcers whether it has been syphilitic or not. In the course of six weeks or two months I am able to say with certainty.

3120. In the majority of cases I suppose you would say with certainty in about three weeks?—In a great number of cases I can say at once.

3121. But when you cannot say at once, how long would it be in the majority of cases?—Three weeks is rather a short time; I would say between a month and two months would be the time.

3122. In the majority of cases you would see at once; otherwise you would wait a period which might be one or two months?—Yes.

3123. You are in favour, as I understand from your answers to the Right honourable Chairman, of an alteration in the Contagious Diseases Acts, under which you should have the power of detaining diseased prostitutes an unlimited time in the hospital?—I am.

3124. Are you in favour also of an extension of the Contagious Diseases Acts?—Yes.

3125. To what portion of the country?—I would extend it to all professional prostitutes all over the country.

3126. I think I have, if I am not mistaken, an extract from a letter of yours to the "Lancet," in which you say, "I would strongly advise the Government to apply the Act to certain districts, such as Westminster, Knightsbridge, Chelsea, the Tower, &c., in London; by so doing they would not only save thousands annually in the military establishments, but would be inserting the thin end of the wedge and prepare the machinery for the universal application of the Act to the civil population"; do you remember those words?—I do; by the civil population I mean applying it to the towns which are inhabited by civil populations.

3127. Therefore, from those words of yours you would extend the Acts to the whole population?—Yes, I would; and that has always been my opinion.

Colonel Alexander.

3128. I think you stated in answer to the Right honourable gentleman, that you are still of opinion that it is desirable to extend to London the operation of the Contagious Diseases Acts?—Yes, I am.

3129. You see no insuperable difficulty in 0.116.

Colonel Alexander—continued.

drawing the cordon, which you described in 1871 before the Royal Commission, round certain districts in London?—I have not considered the details, but I see no difficulty, no insuperable difficulty, with the London district.

3130. You would not apply the Acts to the whole of London, would you?—I would if I had my way, I would rather apply them to the whole of London.

3131. You have modified your opinion therefore to a great extent?—If you recollect, I gave my opinion as a greatly modified opinion, because it would pave the way for applying it to the whole population. I suggested that it should be commenced locally, and that it should spread universally.

3132. I think you stated upon that occasion that you were of opinion that if prostitutes were confined within certain boundaries they would not be likely to stray beyond those boundaries?—The prostitutes that I treated were in former days very much confined to a few streets and lanes, and I think they are so still.

3133. I think you stated that if the Acts were limited to certain districts of London the prostitutes would not be likely to stray beyond those boundaries on account of the great difficulty that they would experience in obtaining lodgings?—Yes, and I quite agree with that now; the particular low class could not obtain lodgings except in the particular districts which they now inhabit.

3134. You stated just now, in answer to the Right honourable gentleman, that under the Act of 1867, I think it was, a patient suffering from small-pox or other contagious disease, may be detained in the hospital till a cure is effected; can you see any reason why that Act should not be made equally applicable to prostitutes affected by venereal disease?—I do not.

3135. The case of a diseased prostitute is even stronger, is it not, than that of a small-pox patient, for whereas the latter had contracted the disease from no fault of his own, the prostitute in the pursuit of her trade voluntarily exposes herself daily and hourly to the risk of infection; is not that so?—I think so, certainly.

3136. If you prescribe compulsory detention, and continue the voluntary system so far as the admission to the hospital is concerned, you shut one door and have the other open, do you not?—Yes, you do. You open the door to voluntary admission, and shut the door to compulsory detention.

3137. In point of fact, if the door at one end was open, and the other at the other end was closed, it would prevent many women from taking advantage of the open door, would it not?—My impression is that it would.

3138. It would prevent them from coming from the circumstance that they knew that after entry they would be detained till a cure was effected; that would prevent a considerable number of prostitutes from voluntarily entering the hospital?—Taking a certain class of prostitutes, I say I think it would; but with regard to the particular class of prostitutes that I treated, it did not prevent them, because they were so wretchedly diseased that they were glad to get the treatment at any cost; but speaking of the general class, I think it would.

3139. I mean prostitutes who are admitted generally into the free Lock Hospital in the Harrow-road?—

Mr. Bond,
F.R.C.S.
30 July
1879.

Mr. Bond,
F.B.C.S.
30 July
1879.

Colonel Alexander—continued.

Harrow-road?—They are a mixed class; but the class I had were an unmixed class; they were wretched paupers out of home, and nowhere to go, and they were glad to go anywhere.

3140. But it follows, therefore, does it not, that no system really can be effectual which does not close both doors; in other words, you must have both compulsory entry as well as compulsory detention?—Yes, that is my opinion.

Sir Harcourt Johnstone.

3141. Within the radius of the London district your proposal would be to examine all the men, would it not?—No, it would not.

3142. How do you mean to check the disease?—I would check the sources.

3143. Do you mean to tell me that within a radius of a mile round the Chelsea Barracks you would allow the Acts to be applied to women, but would allow things to go on as they are amongst the men?—Yes.

3144. Why should you apply to one sex what does not apply to the other?—Because the one makes it a trade, the other does not.

3145. I suppose the one does it for money, and the other for pleasure; that is the distinction, is it not?—No; the one has connection with a great number of men, and it is her usual daily avocation; in regard to the other, it is merely an aside, an occasional thing; I would not examine the men; I mean of the civil population.

3146. Why not?—I have told you, for the reason that it is a trade with the professional prostitute, and a daily avocation. They go with 20 men a day, many of them, but the men whom you would have examined, the great majority of them, will perhaps only have connection once in 20 days.

3147. You do not think it possible to stamp the disease out?—I have never said it is quite possible to stamp out the disease. I do not believe it is possible quite to stamp out the disease.

3148. Then your measures would only be partial?—My measures would be calculated to reduce syphilis in men and women.

3149. Have you got any special statistics with regard to the examination of the police under your charge?—No, but I can tell you anything about them that you wish to ask.

3150. You tabulate every case, do you not?—No; the cases which come under the divisional surgeon's care are tabulated, but they are very few. We have a clause in the metropolitan police orders that men incapacitated from venereal disease shall immediately be suspended,

3151. Have you a list of the suspensions?—Yes; we have a list of suspensions, but they are very few.

3152. Will you put that list in in order that it may be appended to your evidence?—Yes. It is very small indeed; I will furnish it for a period of about four years.

Mr. Shaw Lefevre.

3153. You say they are liable to be suspended; do you mean suspended during the period in which they are suffering from the disease?—Yes.

3154. Is that so whether it is from syphilis or gonorrhœa?—Both.

3155. Have you reason to believe that a good

Mr. Shaw Lefevre—continued.

many conceal the disease?—I know that they do; I constantly detect them trying to conceal it.

3156. Do you think that any considerable proportion of the police suffer from this disease?—A far greater number than appear in the returns; I think ten times as many.

3157. You have said that the number who appear in the returns is very small?—Yes, very small; I mean to say ten times as many as appear in the returns suffer from the disease, and are not found out.

3158. Would it be a large proportion?—It would not be a very large proportion.

3159. Is it at all comparable to the army?—I think not. I have not made any comparison with the army statistics, but I should say that the amount of disease amongst the metropolitan police, even allowing for undetected cases, is not large.

3160. What proportion of the policemen are married?—I should be speaking from guesswork, and perhaps I had better refer you to the statistics on the subject. As to the A. Division, I think about one half are married.

3161. Then a considerable proportion, one half, I believe, are unmarried?—Yes, about one half are unmarried; that is my rough estimate.

3162. Would you say that your remarks apply to the police force generally, or only to your division?—Only to my division; I have no personal knowledge as to the number of unmarried men in the other divisions; but in the A Division I think I am very near the mark when I say that about one half are married and one half unmarried.

THE following Extracts from the Reports of the Chief Surgeon of the Metropolitan Police Force in 1875, 1876, 1877, and 1878, show the Number of Men who were suffering from Venereal Disease in those years:—

"In 1875, 15 men were reported as suffering from venereal disease, and suspended from the force during their illness. Two of these were dismissed or compelled to resign; of course a large proportion of these affections pass undiagnosed, the men not finding it necessary to report themselves sick⁽¹⁾.

"Eighteen men were suspended on account of venereal diseases during the year 1876; but this number, of course, gives no indication of the real prevalence of such diseases among the men. It is, however, probable that the real number is trifling⁽²⁾.

"In 1877, 14 men were returned as suffering from venereal diseases, and were therefore suspended until able to resume duty. No doubt the regulation which directs that men suffering from such affections shall be temporarily removed from the force, and struck off pay, acts as a powerful motive to concealment, and only those cases are reported to the divisional surgeons which are too severe to allow the man to
"do

⁽¹⁾ Report of the Commissioner of Police of the Metropolitan Police, 1875, p. 35.

⁽²⁾ Report of the Chief Surgeon on the Health of the Metropolitan Police Force, 1876, p. 2.

"do duty, or which are accidentally discovered
"while the man is on the sick list for other
"causes. The reason why such diseases are
"regarded differently in the police and in the
"army (where they only expose the man to the
"ordinary hospital stoppage) is obviously in
"order to discourage relations between police
"constables and prostitutes, who are often
"thieves and law-breakers, or the accomplices
"in breaches of the law. For the same reason,
"and in order to carry out the spirit of this
"regulation, I have been obliged to dissuade the
"divisional surgeons from recommending men
"suffering from venereal affections as patients to
"the hospitals, and also because such persons
"hardly seem objects of public charity. Still,

"a good deal of inconvenience is often experienced when a man suspended on account of
"venereal disease resides at a section-house, and
"has no friends at hand who can receive him. I
"have asked the divisional surgeons to report such
"cases in future to me, in order that such
"arrangements may be made as the circumstances seem to admit ⁽¹⁾.

"Sixteen men were suspended on account of
"venereal disease during the year 1878 ⁽²⁾."

Mr. Bond,
F.R.C.S.
30 July
1879.

⁽¹⁾ Report of the Chief Surgeon on the Health of Metropolitan Police Force, 1877, p. 2.

⁽²⁾ Report of the Commissioner of Police of the Metropolis, 1878, p. 45.

LIST OF APPENDIX.

Appendix, No. 1.

Papers handed in by Sir W. Muir, 4 July 1879 :	PAGE.
Extract from the Army Medical Department Report for the year 1878 - - -	155
Tables relating to the Contagious Diseases Acts, as regards the Army, contrasting with the Results at 28 large Stations in the United Kingdom, being all at which the Force was 500 Men and upwards, when the first Act was applied :	
I.—Tables showing the Admissions into Hospital, for Primary Venereal Sores and for Gonorrhœa, at 28 Stations of Troops in the United Kingdom, from 1860 -	157
II.—Tables showing the Number of Men always in Hospital with Primary Venereal Sores at 28 Stations, for Troops in the United Kingdom, in each Year from 1870 to 1878, inclusive - - - - -	158

Appendix, No. 2.

Paper handed in by Mr. Lawson, 21 July 1879 :	
Table showing the Admissions into Hospital for Primary Venereal Sores and Gonorrhœa among the Troops at the Stations in the United Kingdom never under the Acts, London and Windsor included, from 1860 to 1866 - - - - -	159

Appendix, No. 3.

Paper handed in by Mr. Ralph Thompson :	
Return showing the Average Number of Non-Commissioned Officers and Men of the Regular Army serving in the several Districts Scheduled in the "Contagious Diseases Act, 1869," from 1866 to 1878 - - - - -	160

Appendix, No. 4.

Paper handed in by Dr. Barr :	
Aldershot.—Admissions from Primary Syphilis from 1860 to 1878 inclusive, with the Annual Ratio to Strengths - - - - -	161
Aldershot Camp.—Admissions from Gonorrhœa into Military Hospitals - - -	161

Appendix, No. 5.

Paper handed in by Dr. Robinson :	
Scots Guards.—Return of the Admissions into Hospital at Windsor for Primary Syphilis and Gonorrhœa for different Periods from 1864 to 1878 - - - - -	162

Appendix, No. 6.

Paper handed in by Dr. Robinson, 28 July 1879 :	
First Battalion Scots Guards.—Return showing the Admission for Primary Syphilis and Gonorrhœa for Three Months in the Year 1878, a corresponding Period in 1879, also for Six Months from 1st January to 30th June 1879, with the Annual Ratio per 1,000 - - - - -	163

Appendix, No. 7.

Paper handed in by Mr. Bond :	
Metropolitan Police.—Return showing the Number of Married and Single Men serving at the end of the Year 1878 - - - - -	164

Appendix, No. 8.

Papers handed in by Mr. Myers :	PAGE.
Coldstream Guards :	
No. I.—Return of Admissions for Primary Syphilis in the Coldstream Guards whilst quartered at Windsor, during the Years 1865 to 1878 inclusive	- - 165
No. II.—Return of Admissions for Primary Syphilis and Gonorrhœa in the Coldstream Guards, in London, from 1876 to 1879	- - - 165
No. III.—Return of Admissions for Primary Syphilis and Gonorrhœa in the Coldstream Guards, at Windsor and Shorncliffe, from 1876 to 1879	- - 165

Appendix, No. 9.

Letter from Mr. Ralph Thompson to the Clerk to the Select Committee on the Contagious Diseases Acts	- - - - - 166
Regulations for Hospitals provided by the War Department, under the Contagious Diseases Acts, 1866 to 1869	- - - - - 166
Regulations of the Certified Hospital at . . . , for its Management and Government, so far as regards the Women authorised by the Contagious Diseases Acts, 1866 to 1869, to be detained there for Medical Treatment, or being therein under Medical Treatment for a Contagious Disease	- - - - - 170
Confidential Instructions for Visiting Surgeons	- - - - - 171
Regulations respecting Periodical Medical Examinations	- - - - - 172
Relief from Periodical Examination	- - - - - 173

Appendix, No. 10.

Letter from Mr. Wolley to the Clerk to the Select Committee on the Contagious Diseases Acts	- - - - - 174
Regulations for the Government and Management of the Lock Wards in the Royal Albert Hospital under the Provisions of the Contagious Diseases Acts, 1866 to 1869	- - - 174
Regulations for the Government and Management of the Lock Wards in the Royal Portsmouth, Portsea, and Gosport Hospital, under the Provisions of the Contagious Diseases Acts, 1866 to 1869	- - - - - 175
Confidential Instructions for Visiting Surgeons	- - - - - 176
Regulations respecting Periodical Medical Examinations	- - - - - 177
Relief from Periodical Examination	- - - - - 178

A P P E N D I X.

Appendix, No. 1.

PAPERS handed in by Sir *W. Muir*, 4 July 1879.

EXTRACT from the ARMY MEDICAL DEPARTMENT REPORT for the Year 1878.

Appendix, No. 1.

UNITED KINGDOM.

IN continuation of the statistical information given in the reports of previous years, the admissions for primary venereal sores at certain large stations in the United Kingdom, and their rates per 1,000 of the average annual strength, are shown in the following Table:—

STATIONS under the Act.

STATIONS.	Average Annual Strength.	Admitted for Primary Venereal Sores.	Admitted for Gonorrhœa.	Ratio per 1,000 of the Strength admitted for Primary Venereal Sores.	Ratio per 1,000 of the Strength admitted for Gonorrhœa.
Devonport and Plymouth - - - -	3,227	111	322	34	100
Portsmouth - - - - -	5,733	84	372	15	65
Chatham, Sheerness, and Gravesend	5,784	280	596	49	102
Woolwich - - - - -	6,435	244	506	38	79
Aldershot - - - - -	13,775	730	1,156	53	84
Windsor - - - - -	1,096	43	80	39	78
Shorncliffe - - - - -	3,314	136	143	41	43
Colchester - - - - -	2,863	53	262	19	92
Winchester - - - - -	1,129	43	124	38	110
Dover - - - - -	3,244	102	203	31	63
Canterbury - - - - -	1,460	40	83	27	57
Maidstone - - - - -	146	1	11	7	75
Cork - - - - -	2,439	88	107	36	44
Curragh - - - - -	5,218	280	397	54	76
TOTAL of 14 Stations under the Act - - - - -	55,813	2,235	4,348	40	78

STATIONS not under the Act.

Isle of Wight - - - - -	1,311	66	79	50	60
London - - - - -	4,246	1,060	640	250	161
Warley - - - - -	722	101	116	140	161
Hounslow - - - - -	774	31	48	40	62
Pembroke Dock - - - - -	963	12	44	12	46
Sheffield - - - - -	840	81	137	96	163
Manchester - - - - -	1,199	246	212	205	177
Preston - - - - -	965	70	141	73	146
Edinburgh - - - - -	1,366	98	137	72	100
Fermoy - - - - -	694	18	52	26	75
Limerick - - - - -	918	78	96	85	105
Athlone - - - - -	760	22	54	29	71
Dublin - - - - -	5,067	779	639	154	126
Belfast - - - - -	924	61	113	66	122
TOTAL of 14 Stations not under the Act - - - - -	20,749	2,723	2,508	131	121

Appendix, No. 1.

STATIONS.	Rate of Admissions into Hospital per 1,000 of Mean Strength for Primary Venereal Sores in—											
	1867.	1868.	1869.	1870.	1871.	1872.	1873.	* 1874.	* 1875.	* 1876.	* 1877.	* 1878.
Devonport and Plymouth.	76	66	74	58	50	59	37	36	29	27	28	34
Portsmouth - -	116	86	62	51	41	40	44	48	30	27	27	15
Chatham and Sheerness.	71	63	41	47	65	49	41	33	17	33	43	49
Woolwich - -	88	46	52	43	58	60	60	47	59	42	29	38
Aldershot - -	81	77	63	67	65	62	72	52	46	47	46	53
Windsor - -	58	136	93	67	78	96	84	63	41	41	80	39
Shorncliffe - -	42	77	60	100	30	33	21	14	18	22	21	41
Colchester - -	145	182	85	42	32	55	42	20	32	30	52	19
Winchester - -	52	104	101	61	29	57	27	38	27	20	18	38
Dover - -	132	111	80	30	24	47	38	37	27	30	19	31
Canterbury - -	119	114	45	152	38	43	20	36	12	27	19	27
Maidstone - -	242	122	128	68	44	57	59	66	7	28	34	7
Cork - -	72	61	73	68	55	62	61	26	21	21	16	36
Curragh - -	104	85	88	56	35	50	30	46	35	18	38	54
Isle of Wight - -	59	103	129	64	66	57	37	89	89	54	51	50
London - -	163	148	144	160	190	199	185	179	187	146	166	250
Warley - -	74	92	61	55	57	66	22	32	37	51	59	140
Hounslow - -	62	106	85	88	45	90	67	68	24	75	48	40
Pembroke Dock - -	28	35	51	54	28	27	25	21	31	29	16	12
Sheffield - -	163	107	146	77	126	98	71	49	87	119	64	96
Manchester - -	177	115	160	92	70	98	91	106	89	118	131	205
Preston - -	87	87	172	134	75	114	123	97	57	77	77	73
Edinburgh - -	63	46	60	99	69	43	44	25	27	89	47	72
Fermoy - -	70	47	116	89	33	56	21	10	12	31	29	26
Limerick - -	117	114	54	136	57	100	78	58	25	47	75	85
Athlone - -	85	38	42	44	47	14	14	8	10	8	35	29
Dublin - -	129	139	180	128	117	165	136	95	73	76	103	154
Belfast - -	89	56	52	43	61	78	103	64	44	57	43	66

The group of 14 stations under the Act shows an increase of five per 1,000 men on the corresponding rate of the preceding year; the contrasted group of 14 stations not under the Act shows an increase of 40 per 1,000 men.

The results obtained by a different grouping of the stations in the United Kingdom are shown in the following Table:—

GROUPS.	Average Annual Strength.	Admissions into Hospital for Primary Venereal Sores.	Ratio per 1,000 of the Strength of Admissions for Primary Venereal Sores.
The 14 stations under the Contagious Diseases Act - -	55,813	2,235	40
All other stations - - - - -	45,316	3,905	86

No admissions for this disease are returned at 31 stations having an aggregate average annual strength of 2,141 men.

* Stoppage of pay in force.

TABLES relating to the CONTAGIOUS DISEASES ACTS, as regards the ARMY, contrasting with the Results at 28 Large Stations in the United Kingdom, being all at which the Force was 500 Men and upwards, when the first Act was applied.

I.—TABLES showing the Admissions into Hospital, for Primary Venereal Sores and for Gonorrhoea, at 28 Stations of Troops in the United Kingdom, from 1860.

Y E A R.	The Fourteen Stations successively brought under the Acts.					Fourteen Large Stations not under the Acts.				
	Average Annual Strength.	Admissions into Hospital for Primary Venereal Sores.	Admissions into Hospital from Gonorrhoea.	Ratio per 1,000 of the Strength.		Average Annual Strength.	Admissions into Hospital for Primary Venereal Sores.	Admissions into Hospital from Gonorrhoea.	Ratio per 1,000 of the Strength.	
				Primary Venereal Sores.	Gonorrhoea.				Primary Venereal Sores.	Gonorrhoea.
1860 - - - - -	57,479	8,405	7,966	146	139	17,118	2,292	2,374	134	139
1861 - - - - -	51,328	7,267	7,133	142	139	17,126	2,049	2,023	120	118
1862 - - - - -	45,322	5,314	6,283	117	139	15,026	1,500	2,070	100	138
1863 - - - - -	43,419	4,653	5,202	107	120	15,132	1,612	1,816	107	120
TOTALS for Four Years -	197,548	25,639	26,584	-	-	64,402	7,453	9,283	-	-
AVERAGE for 1860-63 -	49,387	6,410	6,646	130	135	16,100	1,863	2,071	116	129
1864 - - - - -	40,694	4,135	4,803	102	118	14,894	1,647	1,636	111	110
1865 - - - - -	43,078	4,077	4,937	95	115	14,091	1,418	1,968	101	140
1866 - - - - -	39,476	3,444	4,573	87	116	14,595	1,154	1,863	79	114
1867 - - - - -	39,911	3,640	5,274	91	132	20,589	2,372	2,670	115	130
1868 - - - - -	42,595	3,533	5,685	83	133	19,486	2,130	2,236	109	115
1869 - - - - -	42,017	2,765	4,466	66	106	17,739	2,273	1,856	128	105
TOTALS for Six Years -	247,771	21,594	29,738	-	-	101,394	10,994	12,029	-	-
AVERAGE for 1864-69 -	41,295	3,599	4,956	87	120	16,899	1,832	2,005	108	119
1870 - - - - -	41,580	2,268	4,081	55	98	17,852	2,023	1,723	113	96
1871 - - - - -	54,096	2,763	6,254	51	116	19,957	1,865	2,137	93	107
1872 - - - - -	50,794	2,762	5,280	54	104	19,950	2,457	2,113	123	106
1873 - - - - -	48,039	2,420	3,946	50	82	19,801	2,025	1,888	102	95
1874 - - - - -	48,136	2,039	2,968	42	62	18,879	1,661	1,450	88	77
1875 - - - - -	48,606	1,717	2,825	35	58	19,573	1,552	1,405	79	72
1876 - - - - -	48,620	1,622	3,302	33	68	18,790	1,554	1,677	82	89
1877 - - - - -	52,422	1,809	3,585	35	68	19,076	1,730	2,234	91	117
1878 - - - - -	55,813	2,235	4,348	40	78	20,749	2,723	2,508	131	121
TOTALS for Nine Years -	448,106	19,625	36,589	-	-	174,627	17,589	17,135	-	-
AVERAGE for 1870-78 -	49,790	2,181	4,065	44	82	19,403	1,954	1,904	101	98

N.B.—For the years 1860-66, inclusive, Windsor has been omitted from the group of stations under the Act, and London from that not under the Act, as the returns for those years do not afford the necessary information.

II.—TABLES showing the Number of Men always in Hospital with Primary Venereal Sores at 28 Stations, for Troops in the United Kingdom, in each Year from 1870 to 1878, inclusive.

Y E A R.	Under the Act.			Not under the Act.		
	Average Annual Strength.	Constantly in Hospital with Primary Venereal Sores.	Ratio per 1,000 of the Strength.	Average Annual Strength.	Constantly in Hospital with Primary Venereal Sores.	Ratio per 1,000 of the Strength.
1870 - - - - -	41,580	186	4.46	17,562	174	9.74
1871 - - - - -	54,096	210	3.89	19,957	161	8.07
1872 - - - - -	59,794	232	4.56	19,950	225	11.29
1873 - - - - -	48,039	214	4.45	19,801	175	8.86
1874 - - - - -	48,136	150	3.11	18,879	130	6.89
1875 - - - - -	48,606	129	2.66	19,573	115	5.88
1876 - - - - -	48,620	120	2.47	18,790	112	5.94
1877 - - - - -	52,422	137	2.61	19,076	119	6.23
1878 - - - - -	55,813	175	3.14	20,749	185	8.90
TOTAL - - -	448,106	1,553	- -	174,627	1,396	—
AVERAGE for Nine Years -	49,790	173	3.47	19,403	155	7.99

For the four years (1860-63) preceding that in which the first Contagious Diseases Act was passed, the average rate of prevalence of primary venereal sores at a group of stations, each of which was successively placed under the Act, is 130, and that for gonorrhœa is 135 per 1,000 of the strength. At another group of 14 stations (originally selected for comparison, because at the time the stations comprised in it were large ones, that is, had not less than 500 men), the rate of prevalence of primary venereal sores is 116, and that for gonorrhœa is 129 per 1,000 of the strength.

In the next period shown (1864-69), the Act was applied successively at each of the stations in the subjected group; in 1865 it was in operation at three stations, in 1866 at four, in 1867 at five, in 1868 at eight, in 1869 at 10, in 1870 it was in operation at all the 14 stations. During this period the average rate of prevalence of primary venereal sores fell to 87 per 1,000 of the strength, in the subjected group; in the contrasted group of large stations it fell to 108 per 1,000 of the strength. The result, therefore, is that the subjected group of stations which before the application of the Act had a rate of prevalence 14 per 1,000 higher than the unsubjected group, for the period of its partial application, has a rate of prevalence 21 per 1,000 lower than that of the unsubjected group.

In the third period shown (1870-78), the Act was in force for the whole time at every one of the stations in the subjected group, and the average rate of prevalence of the disease fell to 44 per 1,000 men, an average rate identical with that for the period 1870 to 1877; at the unsubjected group the rate fell to 101 per 1,000 men, an average rate higher, however, by 4 per 1,000 men than that for the period from 1870 to 1877.

The rate of prevalence of gonorrhœa in the first years of the application of the Act did not materially differ in the two groups of stations; in the last years, however, the results are favourable for the subjected group, the rate of which, in 1878, is more than a third lower than that of the unsubjected one.

In Table II., the average number of men always in hospital on account of primary venereal sores at each of the groups of stations for the years 1870-78 is shown. The average rate of the subjected group is less than the half of that of the other.

Appendix, No. 2.

PAPER handed in by Mr. *Lawson*, 21st July 1879.

TABLE showing the ADMISSIONS into HOSPITAL for PRIMARY VENEREAL SORES and GONORRHOEA among the TROOPS at the STATIONS in the UNITED KINGDOM never under the Acts, *London* and *Windsor* included, from 1860 to 1866. Appendix, No. 2.

Note.—*Windsor* was put under the Acts in 1868.

YEAR.	Strength.	Admissions for		Ratios per 1,000.	
		Primary Sores.	Gonorrhœa.	Primary Sores.	Gonorrhœa.
1860 - - - -	22,900	3,058	2,671	134	117
1861 - - - -	22,883	2,888	2,322	126	102
1862 - - - -	19,781	2,121	2,437	107	123
1863 - - - -	20,029	2,357	2,177	118	109
1864 - - - -	19,987	2,455	2,023	123	101
1865 - - - -	19,482	2,166	2,355	111	121
1866 - - - -	19,835	1,945	1,985	98	100

N.B.—The numbers in the above return, from 1860 to 1863 inclusive, are from the Statistical Report on the Health of the Army for 1873, page 429. Those from 1864 are taken from the Report of the Royal Commission on the Contagious Diseases Acts, vol. ii, page 813.

Appendix, No. 3.

PAPER handed in by Mr. *Ralph Thompson*.

RETURN showing the Average Number of NON-COMMISSIONED OFFICERS and MEN of the REGULAR ARMY serving in the several DISTRICTS Scheduled in the "CONTAGIOUS DISEASES ACT, 1869," from 1866 to 1878.

DISTRICTS.	1866.	1867.	1868.	1869.	1870.	1871.	1872.	1873.	1874.	1875.	1876.	1877.	1878.
ENGLAND:													
Aldershot - - -	10,124	8,408	10,415	10,923	11,109	14,414	13,629	12,649	13,812	16,122	12,799	16,202	14,365
Canterbury - - -	920	1,099	1,321	1,080	880	1,056	1,045	1,125	955	1,049	1,362	1,423	1,350
Chatham - - -	3,623	4,076	3,836	3,691	3,262	3,687	3,522	3,237	3,401	3,157	3,461	3,787	4,397
Colchester - - -	2,521	2,496	2,174	2,073	1,751	2,497	2,231	2,219	1,771	2,073	2,826	2,012	2,828
Dover - - -	2,357	2,208	2,682	2,737	2,592	3,012	2,809	2,392	2,390	2,186	2,426	3,076	3,293
Gravesend - - -	244	225	174	169	151	206	228	243	154	208	65	304	293
Maldstone - - -	410	497	426	472	256	348	367	321	197	141	124	139	142
Plymouth and Devonport - - -	2,377	2,410	2,427	2,166	2,059	2,752	2,690	2,721	2,546	2,142	2,457	2,371	2,650
Portsmouth - - -	4,881	4,540	4,949	4,878	4,636	5,465	5,810	5,031	5,135	4,949	4,899	4,058	4,888
Sheerness - - -	696	629	645	482	606	818	1,006	1,029	827	877	940	895	874
Shorncliffe - - -	3,458	3,371	3,771	3,223	2,408	3,383	3,212	2,727	2,789	2,779	2,955	2,813	3,388
Southampton - - -	38	62	50	53	61	60	58	51	55	65	72	74	71
Winchester - - -	1,091	898	954	867	528	845	963	785	1,078	1,005	976	1,071	1,178
Windsor - - -	1,117	1,137	1,073	1,134	1,165	1,203	1,241	1,194	1,166	1,111	1,135	1,058	1,172
Woolwich - - -	4,093	4,844	4,413	4,808	5,701	6,318	6,897	6,481	5,686	5,455	6,183	5,524	6,472
IRELAND:													
Curragh - - -	4,898	4,433	4,338	3,699	3,275	5,786	5,389	4,860	3,989	4,289	4,702	4,299	5,432
Cork - - -	1,563	1,389	1,190	1,027	1,226	1,334	1,523	1,381	1,171	1,110	1,264	1,246	1,200
Queenstown - - -	484	458	390	691	924	1,064	1,232	1,264	1,113	917	954	859	869

Horse Guards, War Office, }
14 July 1879.

C. H. Ellice,
Adjutant General.

Appendix, No. 4.

PAPER handed in by Dr. Barr.

ALDERSHOT.

Appendix, No. 4.

ADMISSIONS from PRIMARY SYPHILIS from 1860 to 1878 inclusive, with the Annual Ratio to Strength.

YEAR.	Number Admitted.	Average Strength.	Ratio per 1,000 to Strength.	YEAR.	Number Admitted.	Average Strength.	Ratio per 1,000 to Strength.
1860 -	1,992	15,618	127.5	1870 -	762	11,251	67.6
1861 -	1,911	12,929	147.7	1871 -	1,020	15,590	65.4
1862 -	1,397	12,065	114.7	1872 -	809	12,772	63.3
1863 -	1,301	11,795	110.3	1873 -	852	11,845	71.1
1864 -	1,119	10,759	102.0	1874 -	655	12,932	50.6
1865 -	1,111	11,064	100.9	1875 -	599	13,127	45.6
1866 -	743	9,274	80.1	1876 -	563	13,176	42.7
1867 -	638	7,902	80.1	1877 -	657	14,216	46.2
1868 -	707	9,761	72.4	1878* -	730	13,775	52.9*
1869 -	666	10,625	62.6				

* An exceptional year, the Militia and Army Reserves being called up.

ALDERSHOT CAMP.

ADMISSIONS from GONORRHEA into MILITARY HOSPITALS.

YEAR.	Number Admitted.	Average Strength.	Ratio per 1,000 to Strength.	YEAR.	Number Admitted.	Average Strength.	Ratio per 1,000 to Strength.
1860 -	1,647	15,618	105.455	1870 -	985	11,257	87.501
1861 -	1,378	12,929	106.582	1871 -	1,537	15,590	98.588
1862 -	1,544	12,065	127.973	1872 -	1,219	12,772	95.443
1863 -	1,194	11,795	101.229	1873 -	971	11,845	81.975
1864 -	1,334	10,759	123.989	1874 -	815	12,932	63.021
1865 -	1,249	11,064	112.888	1875 -	780	13,125	59.428
1866 -	830	9,274	89.497	1876 -	901	12,055	75.
1867 -	793	7,902	100.354	1877 -	978	14,416	68.
1868 -	961	9,761	98.453	1878 -	—	—	—
1869 -	993	10,625	93.647				

Appendix, No. 5.

PAPER handed in by Dr. Robinson.

Appendix, No. 5.

SCOTS GUARDS.

RETURN of the ADMISSIONS into HOSPITAL at *Windsor* for PRIMARY SYPHILIS and GONORRHOEA for different Periods from 1864 to 1878.

	Period.		Approximate Strength.	Admissions.		Ratio per 1,000.	
	From	To		Primary Syphilis.	Gonorrhoea.	Primary Syphilis.	Gonorrhoea.
1st Battalion -	1 April 1864	14 Sept. 1864	689	46	38	66·76	55·15
2nd „ -	31 Aug. 1866	28 Feb. 1867	663	18	19	27·14	28·66
1st „ -	1 Mar. 1867	30 Aug. „	623	22	21	35·31	33·70
2nd „ -	4 „ 1870	26 „ 1870	712	21	23	29·40	32·30
1st „ -	12 April 1872	15 Sept. 1872	752	21	18	27·92	25·00
2nd „ -	1 Oct. 1874	2 April 1875	624	30	20	48·09	32·05
1st „ -	1 „ 1875	24 Mar. 1876	599	8	25	13·35	41·73
2nd „ -	30 Mar. 1876	25 Aug. „	552	13	14	23·55	25·36
1st „ -	1 „ 1878	25 June 1878	746	8	14	10·72	18·76

Note.—Ten cases of syphilis, nine of gonorrhoea, brought down with Battalion; the results of an inspection a few hours before departure.

Appendix, No. 6.

PAPER handed in by Dr. *Robinson*, 28 July 1879.

FIRST BATTALION SCOTS GUARDS.

Appendix, No. 6.

RETURN showing the ADMISSIONS for PRIMARY SYPHILIS and GONORRHOEA for Three Months in the Year 1878, a corresponding Period in 1879, also for Six Months from 1st January to 30th June 1879, with the Annual Ratio per 1,000.

STATIONS.	From	To	Average Strength.	Admitted.		Annual Ratio per 1,000.	
				Primary Syphilis.	Gonor- rhea.	Primary Syphilis.	Gonor- rhea.
Windsor -	1 April 1878	30 June 1878	774	2	12	10.33	62.01
London -	1 April 1879	30 June 1879	631	33	23	209.19	145.80
London -	1 Jan. 1879	30 June 1879	650	61	39	184.60	120

Remarks.—The two cases of Syphilis and 10 of the cases of Gonorrhœa, shown as admitted in Windsor, were contracted out of the district. A half of the battalion was at musketry practice at Aldershot in April 1879.

Appendix, No. 7.

PAPER handed in by Mr. Bond.

Appendix, No. 7.

METROPOLITAN POLICE.

RETURN showing the Number of MARRIED and SINGLE MEN serving at the end of the Year 1878.

DIVISION.	MARRIED.				SINGLE.				TOTAL.			
	Superintendents.	Inspectors.	Serjeants.	Constables.	Superintendents.	Inspectors.	Serjeants.	Constables.	Superintendents.	Inspectors.	Serjeants.	Constables.
A. - -	2	48	65	296	-	4	9	141	2	52	74	437
B. - -	1	17	39	363	-	1	3	124	1	18	42	487
C. - -	-	9	28	138	1	1	4	168	1	10	32	306
D. - -	1	8	21	209	-	2	6	100	1	10	27	309
E. - -	1	13	37	231	-	1	14	261	1	14	51	492
G. - -	1	11	29	217	-	-	2	125	1	11	31	342
H. - -	1	9	17	169	-	2	6	104	1	11	23	273
K. - -	1	44	58	508	-	3	4	156	1	47	62	664
L. - -	1	7	21	180	-	3	4	75	1	10	25	255
M. - -	1	9	27	244	-	2	5	96	1	11	32	340
N. - -	1	42	57	456	-	2	4	188	1	44	61	644
P. - -	1	35	37	404	-	3	5	110	1	38	42	514
R. - -	-	32	33	277	-	2	5	125	-	34	38	402
S. - -	1	27	36	347	-	2	2	114	1	29	38	461
T. - -	1	40	41	441	-	3	9	135	1	43	50	576
V. - -	1	24	29	266	-	3	1	87	1	27	30	375
W. - -	-	26	38	301	1	-	1	104	1	26	39	405
X. - -	1	37	31	303	-	4	5	163	1	41	36	471
Y. - -	1	38	38	390	-	2	2	148	1	40	40	547
Thames -	1	30	3	95	-	1	-	17	1	31	3	112
1 - - -	1	12	14	63	-	1	0	73	1	13	23	136
2 - - -	1	9	23	99	-	-	3	66	1	9	26	165
3 - - -	1	8	17	82	-	-	3	44	1	8	20	126
4 - - -	1	8	12	70	-	-	6	62	1	8	18	132
5 - - -	-	2	2	6	-	-	1	13	-	2	3	19
TOTAL - -	22	545	753	6,191	2	42	113	2,799	24	587	866	8,990

Metropolitan Police Office,
4, Whitehall-place, S.W., 8 August 1879.

C. H. Cutbush,
Inspector.

E. Y. W. Henderson.

Appendix, No. 8.

PAPERS handed in by Mr. Myers.

COLDSTREAM GUARDS.

No. I.

RETURN of ADMISSIONS for PRIMARY SYPHILIS in the COLDSTREAM GUARDS whilst quartered at Windsor, during the Years 1865 to 1878 inclusive.

	Year.	Period.	Weeks.	Average Strength.	Primary Sores contracted in and out of District.	Annual Ratio per 1,000.	REMARKS.
1st Battalion -	1865 -	8 April to 25 August -	20	707	49	180.19	The Act came into operation in April.
1st " -	1866 -	7 March to 28 August	25	608	64	218.95	
2nd " -	1866-69 -	5 Sept. to 26 February	25	700	57	169.37	
1st " -	1870-71 -	3 Sept. to 3 March -	26	700	33	94.28	
2nd " -	1871-72 -	30 Sept. to 5 April -	27	744	29	75.07	Went from Aldershot to Windsor, 1 Sept. 1876.
1st " -	1874 -	2 May to 5 Sept. -	21	656	15 12 out of district	56.62	
2nd " -	1876-77 -	1 Sept. to 1 March -	26	780	11	28.2	
1st " -	1878 -	1 July to 31 Dec. -	26	864	25	57.86	

No. II.

RETURN of ADMISSIONS for PRIMARY SYPHILIS and GONORRHOEA in the COLDSTREAM GUARDS, in London, from 1876 to 1879.

	Year.	Period.	No. of Weeks.	Average Strength.	Syphilis, Primary.	Annual Ratio per 1,000.	Gonorrhoea.	Annual Ratio per 1,000.	REMARKS.
2nd Battalion -	1876	1 January to 30 June	26	770	71	184.44	16	41.56	One month of this year was spent at Aldershot. Strength increased during last three months by 112, Army and Militia Reserves. Total admissions - - - 212 General diseases - - - 105 Primary and secondary affections - - - 107 212
1st " -	1877	1 January to 31 Dec.	52	813	139	170.97	102	125.46	
1st " -	1878	1 January to 30 June	26	890	75	168.54	45	101.12	
1st " -	1879	1 April to 30 June -	13	814	58	285.00	39	191.64	

No. III.

RETURN of ADMISSIONS for PRIMARY SYPHILIS and GONORRHOEA in the COLDSTREAM GUARDS, at Windsor and Shorncliffe, from 1876 to 1879.

	Station.	Year.	Period.	No. of Weeks.	Average Strength.	Syphilis, Primary, contracted in and out of the District.	Annual Ratio per 1,000.	Gonorrhoea contracted in and out of the district.	Annual Ratio per 1,000.	REMARKS.
1st Battalion -	Shorncliffe -	1876	30 March to 1 Sept.	22	761	16	49.66	10	31.04	9 cases of the syphilis, primary, and 1 of the 10 of gonorrhoea, were admitted in the first fortnight, and most, if not all, were contracted in London.
2nd " -	Windsor -	1876-77	1 Sept. to 1 March.	26	780	11	28.2	25	64.1	The battalion went to Windsor from Aldershot, which will account for the proportional lower rate of syphilis.
1st " -	Windsor -	1878	1 July to 31 Dec.	26	864	25	57.86	30	69.44	15 cases of primary syphilis, and 7 of gonorrhoea, contracted out of the district.
2nd " -	Windsor -	1879	1 April to 30 June.	13	792	4	20.2	8	40.4	3 of syphilis, primary, and 5 of gonorrhoea, contracted out of the district. Battalion at Windsor from 4th March.

A. B. R. Myers, Surgeon, Coldstream Guards.

Appendix, No. 9.

Appendix, No. 9. **LETTER from Mr. Ralph Thompson to the Clerk to the Select Committee on the Contagious Diseases Acts.**

Central Department, War Office,
30 July 1879.

Sir,

IN reply to your letter of the 28th instant, I am directed by Secretary Colonel Stanley to transmit, for the information of the Select Committee on the Contagious Diseases Acts, the enclosed regulations in regard to the management of the Lock Hospitals under this department, and the duties of the visiting surgeon, with the notices which are hung up for the information of the women who appear for inspection.

I am, &c.
(signed) *Ralph Thompson.*

Reginald Dickinson, Esq.,
Clerk to the Committee on the Contagious Diseases Acts,
House of Commons.

REGULATIONS for HOSPITALS provided by the War Department, under the CONTAGIOUS DISEASES ACTS, 1866 to 1869.

The Medical Officer in Charge.

1. HE will reside near to the hospital; he will visit every patient as soon as possible after her admission, and prescribe the necessary treatment; he will also visit the wards and other parts of the establishment daily, and oftener if the condition of the patients or any special circumstances render such a course requisite.

2. He will have sole charge of the treatment of the patients, and be directly responsible to the Secretary of State for War for the satisfactory working and conduct of the establishment; he will make himself thoroughly acquainted with the instructions to the matron, nurses, and other servants of the establishment, and also with the regulations applicable to the patients, which he will see enforced.

3. He will not be absent at the same time as the matron, and will leave word with the matron and gatekeeper where he is to be found. He will not be absent for more than 24 hours without the permission of the officer commanding at the station, nor for more than 48 hours without the authority of the Secretary of State for War.

4. He will keep a nominal register on the prescribed form, and a case book for entering the medical history of each patient, adapting War Office Book, 187.

5. He will furnish to the Secretary of State for War a weekly report of all cases admitted and under treatment, and at the end of each quarter a return in the prescribed form, noting at the same time the state generally of the hospital during the quarter.

6. He will apply to the Control Department for such special articles required for the hospital as are not embraced in the Medical Regulations, sec. xviii, p. 63.

7. He will demand through the Director General of the Army Medical Department (on War Office Forms, 297, 299, and 300) such medicines and instruments as may be required.

8. He will hear and inquire into any complaints whether from patients or nurses, and further will take cognisance of any riotous and insubordinate conduct or infringement of the rules. He will also cause communication to be made to the police should it be requisite to enforce the provisions of Section 28 of the Contagious Diseases Act, 1866.

9. Should he fall sick, or become unfit for duty from any cause, he may permit the visiting surgeon at the station temporarily to take charge of the hospital until a substitute is appointed. But if he holds the office of visiting surgeon as well as that of medical officer in charge he must at once announce the fact of his inability to perform the duties to the Secretary of State for War, who will, if requisite, appoint a fit person to take the temporary charge. In either case he must acquaint the officer commanding at the station, and request the principal medical officer to visit him, and, if necessary, to select some officer to act as medical officer in charge, until the determination of the Secretary of State for War is known.

10. He will allow no unauthorised person, medical or otherwise, to visit the wards or the grounds, or inspect the hospitals, without the express permission of the Secretary of State for War, or the officer commanding at the station. A reservation will be made in favour of the mothers of the patients, and of female visitors of undoubted character, coming to help in imparting moral and religious instruction.

11. Clergymen, and ministers of religion not belonging to the Established Church, may also

also be permitted to visit the patients for religious instruction at such times as may be convenient and appointed by the medical officer in charge. Appendix, No. 9.

12. Any patient discharged under Rule 94 will receive from the medical officer in charge the certificate therein adverted to, under Section 31 of the Contagious Diseases Act, 1866.

Duties of Medical Officer in Charge in relation to the Control Department.

13. He will enter in each patient's diet sheet (War Office Form, 1,145) the diets and extras prescribed for her each day, and will render such sheets to the commissary as directed on the form.

14. He will also render to the commissary an abstract of diets issued (on War Office Form, 175) in accordance with the instructions on the form.

15. He will approve and forward to the Control Paymaster for payment the wages return (on War Office Form, 172), and the monthly account of postage and other contingencies.

The Matron.

16. She will have the management and control of the hospital under the medical officer in charge, and the sole charge when he is absent, and will render a quarterly report to the War Office on the prescribed form.

17. She will be engaged for a year, but will be liable to immediate dismissal for misconduct. Under ordinary circumstances she will receive and give one month's notice.

18. She will visit the wards and offices frequently, taking care that every part is kept clean and in good order; and she will also visit the wards every night after 9 p.m., to assure herself that all is quiet and orderly, and that every patient is in her own bed.

19. She will see that every new patient is put into a clean, fresh-picked bed and clean bedding, and that these articles are again cleaned and picked immediately the patient using them has been discharged.

20. She will see that each patient has her linen changed twice a week, and bed linen once a week at least, and has a warm bath as often as the medical officer in charge may direct.

21. She will see that the diet ordered for each patient is properly cooked and served at the proper time, and that none of the food is wasted or misapplied.

22. The hours for meals will be eight, one, and six o'clock.

23. The matron will superintend the nurses, see that they treat the patients well and administer the medicines, and follow out the course of treatment ordered by the medical officer.

24. Should wine, spirits, or porter be ordered by the medical officer for any patient, she will see that the nurse duly administers it.

25. She must never be absent from the hospital at the same time as the medical officer in charge, and must on no account be absent during the night, except on leave obtained from him.

26. She will take a list in duplicate of the clothes of patients admitted; one list, after being read over to the patient, will be given to her, the other kept by the matron. The clothes will then be placed in the foul store-room and washed, and otherwise purified (by boiling and fumigation, if necessary) as soon as possible. They will then be tied up together and labelled with the patient's name, and stowed away in the clean store-room ready to be returned to the patient when she is discharged from the hospital.

27. She will take charge of any money or valuable property belonging to patients, keeping a list and giving one to the patient, as in Rule 26; she will be responsible for the safe keeping and delivery of the same to the owners on their discharge from hospital. It will be her duty also to look after and take care of the effects of any patient who may die, until instructions shall be received from the proper authorities as to their disposal.

28. She will see that the clothing worn by patients is at all times mended and in good repair. She will issue clean outer clothing weekly or oftener if necessary.

29. She will see that the nurses, servants, and patients observe the rules, and will report all acts of misbehaviour to the medical officer. She will have power to recommend for hire and dismissal the nurses and servants.

30. She will instruct both nurses and patients as to the necessity of each patient using her own proper sponge, syringe, lint, oiled silk, india-rubber cloth, and other articles of the kind likely to convey contagion, and she will caution them not to exchange such articles one with another. She will be required to see that each patient is sufficiently supplied by the nurse with sponge, lint, bandages, &c., and that they are renewed and cleaned from time to time, as required. Every one of those articles likely to convey infection she will cause the nurse to destroy on the discharge from the hospital of each patient; but the syringes and other instruments will be cleansed and scoured thoroughly, so as to render them fit for future use.

31. She will be especially careful that the blankets in use are clean and of a good colour; that all the bedding in use is frequently exposed to the air, and well shaken in the airing-ground, and that all articles of clothing and bedding in the store-rooms are also shaken occasionally, to prevent their getting moth-eaten.

32. She will keep the patients constantly occupied. They will wash, make, and mend their own clothing and bed linen, keep the floors well scrubbed, and the wards clean and tidy.

Appendix, No. 9.

tidy. The medical officer will exempt from these duties such patients as he may consider unable to perform them without injury to health.

33. She will direct and superintend the steward, porter, cook, nurses, and other servants in their duties, and keep a weekly record of all important occurrences, entering therein, for the information of the medical officer in charge, or Inspector of Certified Hospitals, memoranda of all grievances and causes of dissatisfaction, and also of all such repairs and alterations as she may think are required.

34. The matron will see that the printed Rules and Regulations are hung up in the different wards of the hospital, and she will read them once a month or oftener, according to her discretion, in each ward.

Duties of the Matron in relation to the Control Department.

35. She will take charge under the commissary of every article of furniture or store, and will sign the usual inventory of the same on War Office Form, 159.

36. She will assist the commissary in making his periodical inspection of the furniture and stores, arranging with him the most convenient time for so doing.

37. She will receive from the paymaster on monthly imprests, countersigned by the medical officer in charge, such small sums as may be required to meet contingent expenses, and will disburse the same, taking care that no unnecessary or unsanctioned expense is incurred.

38. She will be responsible that the accounts and returns referred to under the steward's duties are prepared and rendered at the times required.

The Control Department.

39. It will be the duty of the commissary to provide the furniture, hospital clothing, bedding, and utensils necessary for the equipment of the Lock Hospital. He will be guided generally in so doing by the scale laid down in Art. 218 of the Purveyor's Regulations. He will, however, supply in addition such articles as may be specially demanded by the surgeon, and approved by the War Office, as necessary for the use of the particular class of patients under treatment. He will arrange with the matron to make a periodical inspection of the furniture and stores at such time as may be most convenient. He will also arrange for the supply of fuel and light in accordance with the regulations in force for military hospitals.

40. He will also arrange for the daily supply of meat, bread, milk, and any perishable articles, and for the regular supply of other provisions, in the manner best suited to the situation of the hospital.

41. The Control Paymaster will imprest to the matron monthly such small sums as may be necessary to enable her to meet the contingent disbursements of the hospital, and will receive from her monthly an account (to be signed by the medical officer in charge) of the manner in which such sums have been expended.

42. He will pay, on the certificate of the commissary, the contractors for supplies to the hospital, and will also pay directly all such expenses of the establishment as are not referred to in the preceding paragraph.

43. The accounts of the hospital required by the War Office will be rendered by the Control Department.

44. In issuing stores and provisions, and in making payments for the hospital, the Control Department will be guided generally by the regulations in force for other hospitals, except in so far as they may be affected by the diet scale and instructions herein laid down.

Chaplain.

45. The chaplain will visit the hospital at least twice a week, and read prayers, selecting an hour convenient to the hospital routine.

46. He will perform Divine Service at least once every Sunday, Good Friday, and Christmas Day. On such occasions the matron, and the servants of the hospital, should be present with the patients.

47. He will render to the War Office a quarterly report in the prescribed form.

48. No books or tracts will be admitted into the wards but such as are approved by the Secretary of State for War.

Nurses.

49. When a patient is admitted and sent to a ward, the nurse of the ward will take charge of her, and be accountable to the matron for all belonging to her. Before placing her in bed the nurse will strip and bathe her, unless otherwise directed by the medical officer, and have her thoroughly cleaned. Should her hair be infected with vermin, the nurse will see that it is carefully combed and brushed, and, if requisite, she will report at once to the medical officer of the state of the patient, and obtain some of the applications used to destroy vermin, and use them according to his directions. She will not cut the hair short except on the special direction of the medical officer.

50. They will keep an inventory of all linen and stores served out for the use of their respective wards, and be responsible for the care of these and all other articles entrusted to their charge.

51. They will see that all medicines and medical appliances not in use are locked up in the appointed place.

52. They will not allow foul linen, lint, or rags to remain in the wards, but cause them to be removed outside at once, and deposited in the place appointed; and they will not permit clothes, or rags, or anything else to be hung out of the windows.

53. They will not receive from the wash-house or laundry any article from which the stains (excepting those of nitrate of silver) have not been thoroughly removed, as it is well known that boiling, a liberal use of pearl ashes, and strong rubbing, will remove the stains of all discharges whatever.

54. They will see that the wards are always kept well scrubbed and tidy, the bedding rolled up when not required, and that the patients are occupied usefully.

55. They will take all medicines, phials, &c., to and from the dispensary to their respective wards, punctually administer the medicines, and carefully apply the remedies ordered by the medical officer.

56. They will see that all patients not confined to bed get up at 6.30 a.m. in summer and at 7 in winter, make their beds, wash, dress, set the ward in order, and prepare for breakfast.

57. They will close the ward doors at 7 p.m. in winter and 8 p.m. in summer, and should any patient be missing from her ward, her absence must be instantly reported.

58. The nurses will prevent the patients from secreting provisions and other articles about their persons and beds, or from lying on their beds during the day, unless ordered to do so by the medical officer.

59. The nurses will use their best efforts to prevent the introduction of intoxicating drinks. Any servant of the hospital found guilty of this offence will be immediately dismissed; and any visitor guilty of the same will not be allowed to re-enter the hospital.

60. They will obey the orders of the medical officer and matron, and not neglect, provoke, or quarrel with the patients. If any patient misconducts herself or does not observe the rules, the nurse will remonstrate with her quietly, and state the circumstances to the matron at the earliest opportunity.

61. The nurses will be present in their wards during the visits of the medical officer, Inspector of Certified Hospitals, or any other official authorised by the Secretary of State for War.

62. The nurses will read aloud, or join with the patients in reading, prayers and a chapter from the Bible every morning and evening.

Steward and Compounder.

63. The steward will act as the subordinate of the matron, and prepare all accounts and returns required from her by the Control Department.

64. He will be responsible to her for all hospital equipment kept in store, keep a register of every receipt and issue in the Store Book (War Office Book, 201), and prepare the inventories of furniture, bedding, &c., in every room in the hospital, so as to facilitate the inspections of the commissary.

65. He will prepare the requisitions for meat, bread, and other provisions, liquors, &c., for the signature of the matron, give receipts for the supplies, inspect them on delivery, and ascertain that they are of good quality and correct in weight or measure.

66. He will prepare for the cook, from the diet sheets, an abstract of the number and class of diets required for each ward.

67. He will have charge of the wine, spirits, and porter, which he will issue in the quantities ordered by the medical officer.

68. He will also take charge of the soap and other cleaning articles required for the hospital and laundry, and prepare a monthly return on War Office Form, 1,117, of the expenditure under this head for the signature of the matron, and counter-signature of the medical officer, which he will render to the commissary.

69. He will prepare on War Office Form, 1,417, for the signature of the matron and the counter-signature of the medical officer, the periodical returns of fuel and light (in accordance with the authorised scales) required for the various departments of the hospital; and render the same to the commissary. He will take charge of, and keep under lock and key, the coals, coke, wood, and candles supplied, issuing them at hours fixed for the purpose.

70. He will prepare for the signature of the matron and the counter-signature of the medical officer in charge a statement on War Office Form, 185, showing the quantities of provisions remaining in store at the termination of the preceding month, the daily receipt and issues during the month, and balances remaining in store, and render the same to the commissary.

71. He will be held responsible for the correctness of the same and for the supplies on hand. He will prepare monthly, on War Office Form, 172, for the medical officer in charge, a return of the wages payable.

72. He will assist the cook in serving out the dinners for the inmates of the hospital at the appointed meal time.

73. He will carefully make up the medicines prescribed, enter the names of the patients on the diet sheets, &c., and attend to all the duties of the surgery, as determined by the medical officer, to whose orders he shall be subject.

Porter.

74. He will carry all letters and messages on the duties of the hospital, and obey all orders of the medical officer in charge and matron, and not absent himself from the hospital at any time without their permission.

75. He will perform such labouring work about the house or grounds as may be required, and as directed from time by the medical officer in charge or matron.

Cook.

76. The cook will be responsible to the matron for the several articles of provisions received.

77. She will be responsible for the proper cooking of the food, taking care that it is prepared according to the directions of the medical officer or matron.

78. At the meal hours she will, under the superintendence of the matron, divide and apportion the diets, that each nurse may receive the kind and quantity ordered for the different patients in her ward.

79. She must take especial care that none of the food is wasted or misapplied.

The Laundress.

80. The laundress will herself assist in the washing, &c., of the establishment, and superintend the women employed. She will attend to all directions and instructions she may receive from the matron as to the discharge of her duties.

General Regulations.

81. The Secretary of State reserves to himself the right of appointing a local visiting committee of officers, should such a course be specially recommended by the officer commanding at the station, or deemed requisite by himself.

82. The Secretary of State also reserves the right of appointing a visiting committee of ladies, who may be able to exercise a salutary influence over the inmates, without interfering with the duties of the matron, or relieving her from her responsibility. Such a committee may also be able to aid in procuring admission to refuges, or employment, for such of the women as show a sincere desire to reform.

83. It will be the duty of the officers of the hospital, when patients desire to reform, to assist them, as far as possible, in entering refuges, joining their relatives or friends, or procuring employment after discharge from hospital.

84. No person employed in the establishment will be permitted to receive perquisites or gratuities from the patients or their friends, under penalty of dismissal.

85. The relatives and friends of the matron, nurses, &c., will only be allowed to visit the hospital with the permission of the medical officer in charge, and they must leave by the hour for closing the hospital at night.

REGULATIONS of the CERTIFIED HOSPITAL at _____, for its Management and Government, so far as regards the Women authorised by the CONTAGIOUS DISEASES ACTS, 1866 to 1869, to be detained there for Medical Treatment, or being therein under Medical Treatment for a Contagious Disease.

1. ALL patients must conform to the regulations of the hospital.
2. The patients must obey implicitly the directions of the medical officer and matron and give their best assistance to the nurse of the ward in keeping everything clean and in order.
3. The patients will be admitted every day except Sunday, or receiving the proper certificate signed by the visiting surgeon.
4. The visiting surgeon alone will have authority to make the necessary examinations and orders for detention in hospital.
5. No patient will be permitted to quit the hospital until duly discharged by the authority of the medical officer in charge.
6. No patient will be detained in the hospital for a longer period than three months, unless the medical officer in charge and the Inspector of Certified Hospitals, or the visiting surgeon of the place whence she came, or was brought, conjointly certify for her further detention; but in no case shall any woman be detained more than nine months.
7. No visitor will be allowed in the wards except by permission of the medical officer in charge, under the authority of the regulations.
8. If any patient shall quit the hospital without being discharged by the medical officer in charge, or if she shall refuse or wilfully neglect to conform to the regulations, she will be liable to imprisonment, with or without hard labour, in the case of a first offence, for any term not exceeding one month, and in case of a second or subsequent offence, for any time not exceeding three months.
9. Any patient who considers herself entitled to be discharged from hospital, may, if the medical officer in charge refuses to discharge her, request to be conveyed before a magistrate in order that it may be decided whether she is fit for discharge.

10 Any patient who is pregnant affected with zymotic disease, or lunacy, may be discharged under the direction of the medical officer in charge. In the two first cases she will receive a notice from him explaining the penalties she will incur by conducting herself as a prostitute until she has obtained the necessary certificate that she is free from the contagious disease for the cure of which she was admitted to the hospital.

11. No patient will be permitted on any pretence to bring any wine, spirits, ale, or provisions into the hospital. Her own clothing will be taken charge of, and a hospital dress provided. All money, postage stamps, or other valuables, whether in possession of patients on admission or received subsequently, will be delivered to the matron, and will be returned on the patient's discharge from hospital. If the postage stamps are required by patients for correspondence, the matron will return as many as are required for that purpose.

12. Patients will confine themselves to their own wards, and will not be allowed to have any communication with persons outside the hospital.

13. They will keep their clothing in good repair, and clean and decent, as well as their persons, and will assist in nursing, washing, laundry work, sewing and knitting.

14. They must take care of the bedding and furniture, keep the floors scrubbed, and the walls and windows clean. They must not cut, scratch, write upon, or otherwise damage them, nor waste or abuse any article belonging to the hospital.

15. All profane or indecent language and behaviour, quarrelling and unnecessary noise, are strictly prohibited.

16. Patients able to be out of bed will roll up or fold their bedding neatly, laying it across the bedstead.

17. Each patient is expected to promote order and regularity in her ward, to restrain offenders at the time, and to point them out afterwards.

18. The patients will make known their grievances to the medical officer, matron, or the Inspector of Certified Hospitals quietly and respectfully, in order that every just cause of complaint may be inquired into and removed.

19. Any patient who sincerely desires to reform will, on stating her wish, be assisted, as far as possible, in entering a refuge, joining her relatives or friends, or procuring employment, on discharge from hospital.

20. Any patient who desires it will be sent, on discharge from hospital, to her place of residence, free of expense to herself.

Approved by the Secretary of State for War.

W. H. Sloggett,

Inspector of Certified Hospitals.

War Office, 21 March 1874.

CONFIDENTIAL INSTRUCTIONS FOR VISITING SURGEONS.

Article 1. THE successful working of the Contagious Diseases Acts will materially depend on the care, tact and judgment with which the duties of the visiting surgeon are performed, and the extent to which he may succeed in obtaining the good-will and confidence of the women coming before him for examination; he will impress upon them all that his sole desire is to benefit them, and his firm determination to protect them from oppression, and aid them if desirous to reform; and he will, on all suitable occasions, specially call their attention to the 9th Section of the Act of 1869, which enables him to relieve them from periodical examination, on satisfactory evidence of their having ceased to be prostitutes.

2. The first duty of the visiting surgeon will be to make such arrangements with the police employed under the Acts as shall enable him to carry out the law, both in letter and spirit. It will be desirable that he should obtain from the police a carefully prepared list of all prostitutes coming within the provisions of the Acts, with their residences, and that this list should be carefully revised at frequent periods.

3. The times for attendance at the examination rooms must be regulated according to the numbers of prostitutes in each place or district; the general principle being that every prostitute not sent into hospital shall come up for examination at least twice in each month.

4. The visiting surgeon will use his utmost endeavours to induce a regular and voluntary attendance of the women for examination, without resorting to the compulsory powers of the Acts. He will take care to avoid publicity in his proceedings. The women must not be permitted to collect or remain outside the doors of the examination room, and decent and orderly behaviour is to be enjoined.

5. The examinations must be made by the visiting surgeon only at the appointed rooms in the district, and will take place at stated hours, to be from time to time named.

6. On the first appearance of every woman for examination, the visiting surgeon will make sufficient inquiry of herself and others into her history, so as to assure himself that she is liable to the provisions of the Act, and this notwithstanding she may have previously signed the voluntary Submission Certificate required under Clause 17 of the Contagious Diseases Act, 1866.

7. Every examination is to take place in the presence of a female attendant or nurse,
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Appendix, No. 9

and it is to be completed with as much regard to delicacy and the feelings of the woman examined as in any case of private practice. No other person than the female attendant or nurse is to be present.

8. Should any woman declare herself to be unfit for examination from menstruation, the visiting surgeon will require the female attendant or nurse to ascertain the fact, and to report to him on the subject. If satisfied as to the truth of the statement, and that there are no grounds for suspecting the woman to be diseased, he may defer the examination, and give an order for attendance on a subsequent day. But if he has grounds for believing the existence of disease, he may act on the powers contained in the 3rd Section of the Act of 1869.

9. The visiting surgeon shall from time to time, in accordance with Clause 19 of the Act of 1866, cause to be delivered to the woman, through the inspector of police, a notice in writing (Form J.), of the time when she shall reappear.

10. In case after examination it should be found that the numbers of women diseased exceed the disposable number of beds in hospital, the visiting surgeon will exercise his discretion in selecting the most urgent cases for admission.

CONTAGIOUS DISEASES ACTS, 1866 to 1869.

REGULATIONS respecting Periodical MEDICAL EXAMINATIONS.

District.

1. THE head constable is to keep a complete register of all women subject to the provisions of the Acts.

2. The head constable is to offer to every woman subject to the provisions of the said Acts the form of voluntary submission prescribed by the Act of 1869, for the purpose of obtaining her signature thereto.

3. Upon any woman signing such submission, the head constable and a constable shall attest it, and the inspector shall give the woman a notice in writing of the time and place for her first examination.

4. If any woman subject to the provisions of the said Acts shall object to sign the form of voluntary submission, the head constable is to inform her that if she refuses to sign, legal proceedings may be taken to obtain from a justice of the peace an order for her periodical medical examination.

The head constable is also to point out to her the advantage of a voluntary submission. If she then refuses to sign, the head constable will report the case to the Sub-inspector of Constabulary, and, on obtaining his sanction, will lay an information before a justice, in accordance with Section 4 of the Act of 1869.

5. The medical examinations will be held periodically at the time and place hereinafter mentioned.

6. The visiting surgeon is to make every examination in the presence of a female attendant. He is not to allow any other person to be present, except the Inspector of Certified Hospitals at his request.

7. The visiting surgeon is to examine every woman who is subject to the provisions of the Acts, once a fortnight at least, and oftener if he shall think it necessary.

8. If any woman fails to attend the place of examination according to notice, the head constable, or one of the constables, is to warn her to attend on the next examination day, or the head constable, if he thinks fit, may report the case to the Sub-inspector of Constabulary.

9. If the visiting surgeon shall find more women to be diseased than there are beds vacant in the hospital, he is to keep a list of such surplus cases, in order that they may be sent to hospital as soon as there shall be room for them.

Place of examination :

Time of examination :

By Order of the Secretary of State for War.

War Office, 28 September 1870.

CONTAGIOUS DISEASES ACTS, 1866 to 1869.

RELIEF FROM PERIODICAL EXAMINATION.

NOTICE.

ANY woman subjected, either on her own submission or under the order of a justice, to a periodical medical examination under the said Acts, who desires to be relieved therefrom, and is not under detention in a certified hospital, may make application in writing in that behalf to the visiting surgeon.

The visiting surgeon will cause a copy of such application to be delivered to the superintendent of police, and if, after a report from such superintendent, he is satisfied by such report or other evidence that the applicant has ceased to be a common prostitute, he may, by order under his hand, direct that she be relieved, and she shall thereupon be relieved from periodical medical examination.

Instead of applying to the visiting surgeon, such woman as aforesaid may, if she thinks fit, make application in writing to a justice, to be relieved from periodical medical examination.

The justice will then appoint, by notice in writing, a time and place for the hearing of the application, and will cause the notice to be delivered to the applicant, and a copy of the application and of the notice to be delivered to the superintendent of police.

If on the hearing of the application it is shown, to the satisfaction of a justice, that the applicant has ceased to be a common prostitute, and if the applicant, with the approval of the justice, enters into a recognisance, with or without sureties, as to the justice seems meet, the justice will order that she be relieved from periodical medical examination.

Every such recognisance will be deemed to be forfeited, if at any time during the term for which it is entered into the women to whom it relates is within the limits of any place to which the Acts apply, in any public thoroughfare, street, or place, for the purpose of prostitution, or otherwise within those limits conducts herself as a common prostitute.

Appendix, No. 10.

Appendix, No. 10. LETTER from Mr. *Wolley* to the Clerk to the Select Committee on the Contagious Diseases Acts.

Sir,

Admiralty, 30 July 1879.

WITH reference to your letter of 28th instant, I am commanded by my Lords Commissioners of the Admiralty to send you herewith a copy of the regulations now in force for the management of the Lock Hospitals under the Admiralty, and as to the duties of the visiting surgeon, together with the notices printed and hung up for the information of the women who appear for inspection.

The Clerk to the
Select Committee on Contagious Diseases Acts,
House of Commons.

I am, &c.
(signed) *Thomas Wolley*.

REGULATIONS for the Government and Management of the LOCK WARDS in the ROYAL ALBERT HOSPITAL, under the Provisions of the "CONTAGIOUS DISEASES ACTS, 1866 to 1869."

Article 1. EVERY patient must conform to the regulations of the hospital, implicitly obey the directions of the resident medical officer or his assistant and the matron, and give her best assistance to the nurse of the ward in keeping everything clean and in order.

2. The patients are admitted every day except Sunday, on delivering the proper certificate signed by the visiting surgeon. If the certificate is delivered after 7 p.m., or if the patient is under the influence of liquor, she may be placed in a separate ward till the next morning.

3. No patient will be permitted to quit the hospital until duly discharged by authority of the resident medical officer.

4. No patient will be detained in hospital for a longer period than three months, unless the resident medical officer, and the inspector of certified hospitals, or the visiting surgeon, conjointly certify for her further detention, nor beyond six months except under a like certificate, but in no case can any woman be detained under one certificate for a longer time in the whole than nine months.

5. If any patient is discharged uncured on account of pregnancy, being affected with zymotic disease or lunacy, or as being incurable, the resident medical officer will give her a special notice explaining the penalties she will incur by conducting herself as a prostitute until she has obtained the necessary certificate that she is free from contagious disease.

6. No patient is permitted on any pretence to bring any ale, beer, wine, spirits, or provisions into hospital; their ordinary clothing will be properly kept for them and an hospital dress be provided. All money, jewellery, or other valuables, will be delivered into the care of the matron, and will be given to the patient on her discharge.

7. Patients must confine themselves to their own wards, and will not be allowed to have any communication with persons outside the hospital, or beyond the airing grounds of the Lock Wards, except by special permission of the matron.

8. The patients will be expected to keep themselves clean and their clothing decent and in good repair; they will also assist in nursing, washing, and laundry work, when permitted by the resident medical officer so to do, and in sewing as directed by the matron.

9. All profane or indecent language and behaviour, quarrelling and unnecessary noise is strictly prohibited, and every patient is expected to promote order and regularity in the ward, to restrain offenders at the time, and point them out afterwards, so that the comfort of all may not suffer by the improper conduct of one or two.

10. As it is essential to the comfort and proper medical treatment of all, that there shall be no scenes of disorder in the wards, any woman conducting herself in a noisy or disorderly manner so as to interfere with the quiet and comfort of others, shall be placed in a separate ward. A report of such case is to be sent immediately, or as soon as practicable, to the chairman of the managing committee, or in his absence to the honorary secretary. Every woman so placed apart, shall be visited by a nurse, at least every two hours, whether

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by night or day, and by the resident medical officer very frequently during the time of her treatment in such separate ward. Appendix, No. 10.

11. Any patient who shall quit the hospital without being duly discharged, or shall offend against the rules, or refuse or neglect to conform to the same, will be liable to imprisonment with or without hard labour, in the case of a first offence, for any time not exceeding one month, and in case of a second or any subsequent offence for any time not exceeding three months.

12. Any lock patient quitting the hospital without being duly discharged, may be taken into custody without warrant by any constable.

13. No visitor shall be permitted within the Locks Wards unless by leave of the chairman of the managing committee, the honorary secretary, the resident medical officer, chaplain, or the matron.

14. The letters of the patients are to be opened in the presence of the persons to whom they are addressed, by the chaplain or matron, who will take charge of stamps or other valuables contained therein; and any indecent or improper letter, or one likely to be subversive of the discipline of the hospital, shall be detained until the discharge of the patient.

15. The patients will make known their grievances to the visiting surgeon, the resident medical officer, the chaplain, or the matron, quietly and respectfully, in order that every just cause of complaint may be at once inquired into and removed.

16. The rules shall be printed and suspended in each Lock Ward.

(By order of the managing committee.)

(signed) *Thomas Woolcombe*, Chairman.
C. A. Shapcote, Secretary.
G. Thom, Resident Medical Officer.

31st May 1876.

Approved by the Lords Commissioners of the Admiralty.

Vernon Lushington, Secretary.

REGULATIONS for the Government and Management of the LOCK WARDS in the ROYAL PORTSMOUTH, PORTSEA, and GOSPORT HOSPITAL, under the Provisions of the "CONTAGIOUS DISEASES ACTS, 1866 to 1869."

Article 1. EVERY patient shall obey the directions of the resident medical officer and the matron, and give her best assistance to the nurse of the ward in keeping everything clean and in order.

2. Patients are to be admitted every day (except Sunday) on delivering the proper certificate, signed by the visiting surgeon, before 7 p.m. But if the certificate be delivered after 7 p.m., or the patient be intoxicated, she may be placed in a separate ward till the next morning.

3. No patient shall quit the hospital until duly discharged by authority of the resident medical officer.

4. No patient will be detained in hospital for a longer period than three months, unless the resident medical officer and the inspector of certified hospitals, or the visiting surgeon for the place whence she came or was brought, conjointly certify for her further detention, nor beyond six months, except under a like certificate, but in no case can any woman be detained under one certificate for a longer time in the whole than nine months.

5. If any patient be discharged uncured on account of pregnancy, being affected with zymotic disease or lunacy, or as being incurable, the resident medical officer will give her a notice, in writing, stating that she is still affected with a contagious disease, and explaining the penalties she will incur if she is afterwards in any place for the purpose of prostitution, without having previously obtained the necessary certificate that she is free from contagious disease.

6. No patient or visitor shall, on any pretence whatsoever, bring any ale, beer, wine, spirits, or provisions, into the hospital. The patients' ordinary clothing will be properly kept for them, and an hospital dress provided. All money, jewellery, or other valuables will be delivered into the care of the matron, and returned to the patient on her discharge.

7. Patients shall confine themselves to their own wards, and shall have no communication with persons outside the hospital, or beyond the airing grounds of the Lock Wards, except by special permission of the matron.

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Appendix, No. 10. 8. The patients shall keep themselves clean, and their clothing decent and in good repair, and shall also keep their wards clean and in good order, and assist in nursing, washing, and laundry work, and in sewing when ordered by the matron, provided the resident medical officer see no objection to their doing so.

9. All profane, indecent, threatening, abusive, or insulting language and behaviour, quarrelling, and unnecessary noise is strictly prohibited, and every patient is to promote order and regularity in the ward.

10. Any wilful damage to the furniture or property of the hospital is strictly prohibited.

11. Any patient conducting herself in a noisy or disorderly manner, so as to interfere with the quiet, comfort, and proper medical treatment of others, may be placed, if the resident medical officer shall so direct, in a separate ward for any period not exceeding 24 hours. The medical officer will send a report of every such case immediately, or as soon as practicable, to the chairman of the managing committee, or, in his absence, to some member of the house committee. Every patient in a separate ward will be visited by a nurse once in every two hours, and by the medical officer very frequently.

12. Any patient quitting the hospital without being duly discharged, may be taken into custody without warrant by any constable.

13. No visitor shall be permitted within the Lock Wards, unless by leave of the chairman of the managing committee, the resident medical officer, chaplain, or the matron.

14. The patients are to make known any grievance to the visiting surgeon, the resident medical officer, the chaplain, or the matron, quietly and respectfully, in order that every cause of complaint may be at once inquired into.

15. Any patient quitting the hospital without being duly discharged, or refusing or wilfully neglecting to conform to any of the foregoing regulations, is liable to imprisonment with or without hard labour, in the case of a first offence, for any time not exceeding one month, and in case of a second or any subsequent offence for any time not exceeding three months.

16. The rules shall be printed and suspended in each Lock Ward.

(By order of the managing committee.)

(signed) *Edw. P. Grant*, Chairman.
G. Hugh Thowden, Resident Medical Officer.

By command of their Lordships,

Robert Hall.

Approved by the Lords Commissioners of the Admiralty.

19 January 1878.

CONFIDENTIAL INSTRUCTIONS FOR VISITING SURGEONS.

Article 1. THE successful working of the Contagious Diseases Acts will materially depend on the care, tact, and judgment with which the duties of the visiting surgeon are performed, and the extent to which he may succeed in obtaining the good-will and confidence of the women coming before him for examination; he will impress on them all, that his sole desire is to benefit them, and his firm determination to protect them from oppression, and aid them if desirous to reform; and he will, on all suitable occasions, specially call their attention to the 9th Section of the Act of 1869, which enables him to relieve them from periodical examination, on satisfactory evidence of their having ceased to be prostitutes.

2. The first duty of the visiting surgeon will be to make such arrangements with the police employed under the Acts as shall enable him to carry out the law, both in letter and spirit. It will be desirable that he should obtain from the police a carefully prepared list of all prostitutes coming within the provisions of the Acts, with their residences, and that this list should be carefully revised at frequent periods.

3. The times for attendance at the examination rooms must be regulated according to the numbers of prostitutes in each place or district; the general principle being that every prostitute not sent into hospital shall come up for examination at least twice in each month.

4. The visiting surgeon will use his utmost endeavours to induce a regular and voluntary attendance of the women for examination, without resorting to the compulsory powers of the

the Acts. He will take care to avoid publicity in his proceedings. The women must not be permitted to collect or remain outside the doors of the examination room, and decent and orderly behaviour is to be enjoined. Appendix, No. 10.

5. The examinations must be made by the visiting surgeon only at the appointed rooms in the district, and will take place at stated hours, to be from time to time named.

6. On the first appearance of every woman for examination, the visiting surgeon will make sufficient inquiry of herself and others into her history, so as to assure himself that she is liable to the provisions of the Act, and this notwithstanding she may have previously signed the voluntary submission certificate required under Clause 17 of the Contagious Diseases Act, 1866.

7. Every examination is to take place in the presence of a female attendant or nurse, and it is to be completed with as much regard to delicacy and the feelings of the woman examined as in any case of private practice. No other person than the female attendant or nurse is to be present.

8. Should any woman declare herself to be unfit for examination from menstruation, the visiting surgeon will require the female attendant or nurse to ascertain the fact, and to report to him on the subject. If satisfied as to the truth of the statement, and that there are no grounds for suspecting the woman to be diseased, he may defer the examination, and give an order for attendance on a subsequent day. But if he has grounds for believing the existence of disease, he may act on the powers contained in the 3rd Section of the Act of 1869.

9. The visiting surgeon shall from time to time, in accordance with Clause 19 of the Act 1866, cause to be delivered to the woman, through the inspector of police, a notice in writing (Form J.) of the time when she shall re-appear.

10. In case after examination, it should be found that the numbers of women diseased exceed the disposable number of beds in hospital, the visiting surgeon will exercise his discretion in selecting the most urgent cases for admission.

CONTAGIOUS DISEASES ACTS, 1866 to 1869.

REGULATIONS respecting periodical MEDICAL EXAMINATIONS.

DISTRICT.

1. THE head constable is to keep a complete register of all women subject to the provisions of the Acts.

2. The head constable is to offer to every woman subject to the provisions of the said Acts the form of voluntary submission prescribed by the Act of 1869, for the purpose of obtaining her signature thereto.

3. Upon any woman signing such submission, the head constable and a constable shall attest it, and the inspector shall give the woman a notice in writing of the time and place for her first examination.

4. If any woman subject to the provisions of the said Acts shall object to sign the form of voluntary submission, the head constable is to inform her that if she refuses to sign, legal proceedings may be taken to obtain from a justice of the peace an order for her periodical medical examination.

The head constable is also to point out to her the advantage of a voluntary submission. If she then refuses to sign, the head constable will report the case to the sub-inspector of constabulary, and on obtaining his sanction, will lay an information before a justice, in accordance with Section 4 of the Act of 1869.

5. The medical examinations will be held periodically at the time and place hereinafter mentioned.

6. The visiting surgeon is to make every examination in the presence of a female attendant. He is not to allow any other person to be present, except the Inspector of Certified Hospitals at his request.

7. The visiting surgeon is to examine every woman who is subject to the provisions of the Acts, once a fortnight at least, and oftener if he shall think it necessary.

8. If any woman fails to attend the place of examination according to notice, the head constable or one of the constables is to warn her to attend on the next examination day, or

Appendix, No. 10. the head constable, if he thinks fit, may report the case to the sub-inspector of constabulary.

9. If the visiting surgeon shall find more women to be diseased than there are beds vacant in the hospital, he is to keep a list of such surplus cases, in order that they may be sent to hospital as soon as there shall be room for them.

Place of examination :

Time of examination :

By order of the Lords Commissioners of the Admiralty.

Admiralty, 28 September 1870.

CONTAGIOUS DISEASES ACTS, 1866 to 1869.

RELIEF FROM PERIODICAL EXAMINATION.

NOTICE.

ANY woman subjected, either on her own submission or under the order of a justice, to a periodical medical examination under the said Acts, who desires to be relieved therefrom, and is not under detention in a certified hospital, may make application in writing in that behalf to the visiting surgeon.

The visiting surgeon will cause a copy of such application to be delivered to the superintendent of police, and if, after a report from such superintendent, he is satisfied by such report or other evidence that the applicant has ceased to be a common prostitute, he may, by order under his hand, direct that she be relieved, and she shall thereupon be relieved, from periodical medical examination.

Instead of applying to the visiting surgeon, such woman as aforesaid may, if she thinks fit, make application in writing to a justice, to be relieved from periodical medical examination.

The justice will then appoint, by notice in writing, a time and place for the hearing of the application, and will cause the notice to be delivered to the applicant, and a copy of the application and of the notice to be delivered to the superintendent of police.

If on the hearing of the application it is shown, to the satisfaction of a justice, that the applicant has ceased to be a common prostitute, and if the applicant, with the approval of the justice, enters into a recognisance, with or without sureties, as to the justice seems meet, the justice will order that she be relieved from periodical medical examination.

Every such recognisance will be deemed to be forfeited, if at any time during the term for which it is entered into, the woman to whom it relates is within the limits of any place to which the Acts apply, in any public thoroughfare, street, or place for the purpose of prostitution, or otherwise within those limits conducts herself as a common prostitute.

I N D E X.

ANALYSIS OF INDEX.

LIST of the PRINCIPAL HEADINGS in the following INDEX, with the Pages at which they may be found.

	PAGE		PAGE
<i>ACTS OF 1866 AND 1869</i> - - - - -	181	<i>Extension of Acts</i> - - - - -	192
<i>ALDERSHOT :</i>		<i>GONORRHOEA :</i>	
1. <i>Application of the Contagious Diseases Acts</i> - - - - -	182	1. <i>Amount of the Disease in the Army in different Years</i> - - - - -	193
2. <i>Filthy and Degraded Condition of the Women previously to the Application of the Acts, and the Operation of the Lock Hospital ; great Improvement gradually effected</i> - - - - -	182	2. <i>Characteristics and Effects of the Disease</i> - - - - -	193
3. <i>Number and Supply of Prostitutes in proportion to the Demand</i> - - - - -	182	<i>HOSPITALS (TREATMENT OF WOMEN)</i> - - - - -	194
4. <i>Ages of the Women</i> - - - - -	183	<i>LONDON</i> - - - - -	198
5. <i>Amount of Disease among the Men</i> - - - - -	183	<i>Primary Sores (Venereal Disease)</i> - - - - -	204
<i>Clandestine Prostitution</i> - - - - -	188	<i>Returns and Statistics</i> - - - - -	206
<i>Coldstream Guards</i> - - - - -	188	<i>Scots Guards</i> - - - - -	209
<i>Concealment of Disease</i> - - - - -	189	<i>Secondary Syphilis</i> - - - - -	209
<i>Efficiency of the Army</i> - - - - -	190	<i>Stoppage of Pay</i> - - - - -	211
<i>EXAMINATIONS (SOLDIERS AND PROSTITUTES) :</i>		<i>Unprotected Districts</i> - - - - -	211
1. <i>As to the Extent to which the Men are now or have been examined with reference to Venereal Disease, and as to the Question of Systematic Examinations throughout the Service</i> - - - - -	190	<i>Voluntary System</i> - - - - -	212
2. <i>As to the Examination of Prostitutes in Districts under the Contagious Diseases Acts, and the Beneficial Effects thereof</i> - - - - -	191	<i>Windsor</i> - - - - -	212

I N D E X.

[*N.B.*—In this Index the Figures following the Names of the Witnesses, and those in the Analysis of Evidence of each Witness, refer to the Questions in the Evidence; and the Figures following *App.* refer to the Pages in the Appendix.]

A.

ABLUTION, HABITS OF. Important effect of habits of ablution and of personal cleanliness as a check to the contraction of venereal disease; difficulty in enforcing such habits, *Lawson* 414, 415. 554-556. 1260-1265—Instances, on the other hand, of the uncertainty of habits of ablution as a protection against infection; different regulations in different regiments on this subject, *ib.* 813-816. 863-869—Less danger of contagion in the case of high-class prostitutes as more likely to adopt habits of ablution, *Barr* 1892, 1893.

Act of 1864. Reference to the Act of 1864 as an entire failure, chiefly through the long time before disease was detected, *Barr* 1813-1817. 1825-1828.

ACTS OF 1866 AND 1869:

Examination showing that the Acts of 1866 and 1869 had for their object the suppression of gonorrhœa as well as syphilis, *Sir W. M. Muir* 142-149—Main object of the Acts to reduce the amount of constitutional syphilis, *ib.* 169-172—Strong objection to any repeal of the Acts, *ib.* 367-369.

Conclusion that through the Acts, and by an examination of women, disease in the army has been largely reduced, *Lawson* 745-756—Great importance attached to the Acts by army surgeons generally, *ib.* 1126-1134.

Decided opinion that the present Acts should be maintained, though their success is limited through their being limited in operation; expediency of extension, *Barr* 1370-1377. 1397, 1398. 1465, 1469. 1666-1685. 1798-1803. 1868-1873. 1891—Conclusion that there can be no reasonable doubt as to the value of the Acts in checking the spread of disease and mitigating its severity, *ib.* 1397.

Salutary operation of the Acts not only in a curative sense but in leading to the reclamation of prostitutes, *Barr* 1512. 1514. 1768. 1999, 2000—Increase of intercourse and of the former filth and degradation of the women if the Acts were repealed, *ib.* 1788—Partial object of the Acts to diminish prostitution, though this was not the main object, *ib.* 1797.

Conviction further expressed as to the immense good effected by the Acts, *Barr* 1802-1832—Illustration in support of witness' conclusions as to the decrease of disease generally through the operation of the Acts, *ib.* 1885, 1886.

Much greater scandal formerly at Aldershot and other places than was involved in the application of the Acts for the removal of the scandal, *Barr* 1891—Advocacy of the maintenance of the Acts as reducing prostitution, even if they did not reduce disease, *ib.* 1897.

Evidence in detail as to the great value of the Acts in diminishing disease among soldiers; that is, in protected stations such as Windsor, *Robinson* 2067 *et seq.*—Value attached to the Acts as a means towards reformation of prostitutes, *ib.* 2094. 2338, 2339—Belief that the Acts do not increase prostitution in the protected districts, *ib.* 2281, 2282.

Large increase of the army at home between 1866 and 1872, so that but for the Acts a corresponding increase of venereal disease would have ensued; important diminution on the other hand in those districts where the Acts were applied, *Myers* 2912-2923—Statement showing that a considerable number of eminent physicians and surgeons, including Mr. Skey, have strongly objected to any repeal of the Acts, and have testified to the large reduction of disease through their operation; examination hereon, *ib.* 2940-2944. 2969-2972.

Decided opinion that the Acts have been most beneficial in their operation, and that their repeal would tend to an increase of disease in the army, *Myers* 3062-3064.

Report, 1879—continued.

ACTS OF 1866 AND 1869—continued.

Return showing the average number of non-commissioned officers and men of the regular army serving in the several districts scheduled in the Act of 1869, in each of the years 1866-78, *App.* 160.

See also *Aldershot. Coldstream Guards. Efficiency of the Army. Examinations. Extension of Acts. Gonorrhœa. Primary Sores. Returns and Statistics. Secondary Syphilis. Unprotected Districts. Windsor.*

Ages of Prostitutes. Less evil of the small supply of women at Aldershot through their being of more advanced age than formerly and less liable to disease, *Barr* 1360-1362. 1615-1618. 1792-1799.—Instances formerly of very young prostitutes at Aldershot, *ib.* 1362. 1796.—See also *Juvenile Prostitutes.*

Albert Hospital (Navy). Regulations for the government and management of the Lock wards in the Royal Albert Hospital, under the provisions of the Contagious Diseases Acts, 1866 to 1869, *App.* 174, 175.

ALDERSHOT:

1. *Application of the Contagious Diseases Acts.*
2. *Filthy and Degraded Condition of the Women previously to the Application of the Acts, and the Operation of the Lock Hospital; great Improvement gradually effected.*
3. *Number and Supply of Prostitutes in proportion to the Demand.*
4. *Ages of the Women.*
5. *Amount of Disease among the Men.*

1. *Application of the Contagious Diseases Acts:*

Partial application of the Acts to Aldershot in April 1867, the Lock Hospital not having been opened till June; subsequent extension of accommodation, 100 beds having been available since May 1869, *Barr* 1316-1320.

2. *Filthy and Degraded Condition of the Women previously to the Application of the Acts, and the Operation of the Lock Hospital; great Improvement gradually effected:*

Excessively filthy and miserable condition of the women first received into the Lock Hospital at Aldershot or sent to the London Hospital, whilst the greater number were suffering from disease of a very severe form, *Barr* 1322-1325.—Very striking improvement effected in the condition and conduct of the women after treatment in the hospital; belief that many gave up prostitution, *ib.* 1334.—Miserable haunts of the women in 1868, whilst they were in a lamentable state of disease, *ib.* 1355-1359.

Instance of witness having had under simultaneous treatment a girl of fifteen, her mother, and her grandmother, *Barr* 1362.—Deplorable state of the women as to disease and filth when the examination were first applied; great improvement in these respects, *ib.* 1365. 1368.—Orderly character of those now in hospital as compared with the refractory and violent behaviour experienced ten years ago, *ib.* 1395, 1396.—Large majority of the bad cases at Aldershot which come from other districts, *ib.* 1403, 1404.

Examination in support of former statement that the condition and behaviour of the prostitutes have been immensely improved through the operation of the Acts and the system of the Lock Hospital, *Barr* 1503-1528.—Beneficial operation of the hospital as regards the women generally who come to Aldershot, these being the same class as those first dealt with, *ib.* 1514-1522.

Explanation in connection with the increased per-centage of admissions to the Aldershot hospital since 1868; special causes to which owing, *Barr* 1633-1645.

3. *Number and Supply of Prostitutes in proportion to the Demand:*

Estimate of about 300 prostitutes as the number in 1868; at least three-fourths of these came into hospital in the course of the year, *Barr* 1353, 1354. 1356-1359.—Smaller influx of fresh women into the district than in former years; total of only 128 prostitutes on the register at the end of 1878, *ib.* 1369.—Comment upon the exceedingly small supply of women available, the number of soldiers being from 12,000 to 15,000; obstacles thereby to the success of the Acts, *ib.* 1369. 1385-1387.

Large reduction since 1868 in the number of women on the register, and in the number of attendances for examination, *Barr* 1385-1393.—Diminished and small number of prostitutes in proportion to the large force of men, *ib.* 1592-1595.—Very large number of men (sometimes more than twenty) received by the same women in the course of twenty-four hours, *ib.* 1609-1614. 1619, 1620.

Less mischief in a sanitary point of view if there were a larger supply of women; increased liability to disease when there is an excessive and unnatural use of the same women, *Barr* 1621-1623. 1626-1632.—Reference to the decreased number of women

ALDERSHOT—continued.3. *Number and Supply of Prostitutes in proportion to the Demand*—continued.

as not necessarily implying a decrease of sexual indulgencies on the part of the men, *Barr* 1663-1665.

Further statement as to the improvements under the Acts in the condition of the women referring to the existing class, there not being any immigration of the better class, *Barr* 1769-1771.

Examination upon the question as to the increased liability to the spread of disease through the very reduced number of prostitutes available; reasons nevertheless for justifying the operation of the Act in the latter direction, *Barr* 1850-1856. 1876-1884—Statement relative to the amount of disease among the women as measured by the number of admissions to hospital in proportion to the very small number of registered prostitutes, *ib.* 1935-1951.

4. *Ages of the Women*:

Varying ages of the women; improvement in so far as there are not now any girls from thirteen to sixteen, this being attributable partly to the effect of the Acts, *Barr* 1360-1362. 1615-1618. 1792-1796. 1650-1654.

5. *Amount of Disease among the Men*:

Careful inquiry made by witness, when in charge of the medical department at Aldershot in 1868, with reference to the extent of venereal disease in different regiments comprising about 4,000 men; the Act of 1866 was then in full operation, *Lawson* 392-403—Great discrepancies between the regiments in question as to the proportion of venereal disease; several causes to which attributable, each regiment having habits or customs of its own by which liability to disease is influenced, *ib.* 406-418. 528-540. 1257-1265.

Explanation in connection with the per-centage of cases of primary venereal sores at Aldershot between 1868 and 1871; large reduction to be made in respect of imported cases, *Lawson* 500-515—Explanation also with respect to the returns as to gonorrhœa from 1868 to 1871; allowance to be made for imported cases, *ib.* 516, 517—Reference to the much larger amount of disease in some regiments than in others as not any proof that the periodical examination of women is useless, *ib.* 518-521.

Farther evidence as to the causes of the much greater amount of disease in some regiments than in others in 1868, *Lawson* 551-559. 783-787.

Statement as to there being a reduction of secondary syphilis, *Barr* 1756-1762. 1857—Examination as to witness' grounds for the conclusion that the disease has been reduced since 1868, through the operation of the Acts; fluctuation in different years, diminution being much checked by the importation of disease from other districts, *ib.* 1903-1934. 1964-1967. 1979-1989. 2001-2006.

Return of annual admissions to hospital from primary syphilis from 1860 to 1878, together with the annual ratio to strength, *App.* 161—Similar return relative to the admissions from gonorrhœa, *ib.* 161.

See also *Clandestine Prostitution. Examinations. Hospitals. Militia. Recruits. Sexual Intercourse.*

Army Surgeons. Expected objection on the part of army surgeons to a regular system of periodical examination in the service, *Lawson* 794, 795. 810.

Concurrence of opinion among army surgeons strongly in favour of the Contagious Diseases Acts, *Lawson* 1126-1134.

B.

Balanitis. Totally distinct character of balanitis and of a primary sore, *Myers* 2570-2575.

Barr, John Coleman, M.D. (Analysis of his Evidence.)—Experience of witness since May 1868, as medical officer of the Lock Hospital at Aldershot; previous experience at the London Lock Hospital, 1311-1315.

Partial application of the Contagious Diseases Acts to Aldershot in April 1867, the Lock Hospital not having been opened till June; subsequent extension of accommodation, 100 beds having been available since May 1869; 1316-1320—Arrangement at first for the use of twenty beds in the London Lock Hospital for women from Aldershot, 1316, 1317. 1321.

Excessively filthy and miserable condition of the women first received into the Lock Hospital at Aldershot or sent to the London Hospital, whilst the greater number were suffering from disease of a very severe form, 1322-1325—Insufficient time for the complete cure of the women sent at first to the hospital in London; power of detention

Barr, John Coleman, M.D. (Analysis of his Evidence)—continued.

for six months under the Act of 1866; 1326-1333—Very striking improvement effected in the condition and conduct of the women after treatment in the hospital at Aldershot; belief that many gave up prostitution, 1334.

Exceedingly refractory conduct of the women when first placed in hospital; great impatience of restraint, so that the immense majority would have left, if they could, before they were thoroughly cured, 1335-1338—Statement showing a total of 7,836 admissions to the Aldershot hospital since June 1867; large number of re-admissions included in this total, 1339-1348—Accession of strangers from time to time, especially when new regiments come into camp, 1350, 1351.

Care taken by the police in giving notice to the women that they have subjected themselves to the Acts, 1352—Voluntary submission of the women to examination, with very few exceptions, *ib.*—Estimate of about 300 prostitutes as the number at Aldershot in 1868; at least three-fourths of these came into hospital in the course of the year, 1353, 1354. 1356-1359—Miserable haunts of the women at this period, whilst they were in a lamentable state of disease, 1355-1359.

Gradual decrease of very young girls at Aldershot since witness went there in 1868; there are now very few under nineteen, 1360-1362—Instance of witness having had under treatment at the same time a girl of fifteen, her mother, and her grandmother, 1362—Prevalence formerly of much clandestine prostitution, and of numerous offences against the law, 1362.

System of fortnightly examination of the women as a rule; exceedingly beneficial effect thereof upon the conduct and habits of the women, 1363, 1364—Deplorable state of the women as to disease and filth when the examinations were first applied; great improvement in these respects, 1365. 1368—Continued large proportion of re-admission of the same women to hospital, 1366, 1367.

Smaller influx of fresh women into the Aldershot district than in former years; total of only 128 women on the police register at the end of 1878; 1369—Comment upon the exceedingly small supply of women now available, the number of soldiers being from 12,000 to 15,000; obstacle thereby to the success of the Acts, 1369. 1385-1387—Enumeration of hindrances to the more satisfactory working of the Acts; the great drawback is the too limited area of operation, 1370-1377. 1384. 1403-1405.

Grounds for concluding that there is much less clandestine prostitution than formerly, 1373—Prejudicial effect of the prevalence of disease in women formerly of loose character, but now married or passing for married, 1374-1376—Fresh access of loose women when the militia are in camp, 1377. 1404—Statement showing the effect of Lord Cardwell's Order as to stoppage of pay in causing the men to conceal disease, 1378-1381—Belief as to the necessity of a periodical examination of the men with a view to the eradication of the disease, 1382, 1383.

Large reduction since 1868 in the number of women on the register, and in the number of attendances for examination, 1385-1393—Particulars as to the ultimate disposal or destination of the women who have been under periodical examination; considerable number placed in reformatories, or restored to their friends, 1394, 1395—Orderly conduct of those in hospital as compared with the refractory and violent behaviour experienced ten years ago, 1395, 1396.

Conclusion that there can be no reasonable doubt as to the value of the Acts in checking the spread of disease and in mitigating its severity, 1397—Advocacy of an extension of the Acts to all garrison towns or places where there are numbers of soldiers, 1397, 1398—Belief that the disease is becoming none the less severe in places not affected by the Acts, 1400-1402.

Large majority of the bad cases at Aldershot which come from other districts, 1403, 1404—Limited sense in which witness refers to married women as propagators of disease, 1405—Suggestions made by witness to Lord Cardwell and Mr. Gathorne Hardy for special treatment of women who, not being prostitutes nor being married, were diseased; advantage of separate beds being appropriated to this class, 1405-1416.

Explanation as to the relative proportion of cases of gonorrhœa and of primary syphilis in 1870 and in 1878; causes of diminution of the former, 1417-1423—Exceptional instances of cases not being curable in six or nine months; very aggravated character of some incurable cases, 1424-1428. 1433, 1434—Suggestion already made by witness for prolonged detention of incurable cases, 1429. 1430—Average detention in hospital for twenty-five days, 1431, 1432.

Details as to the conduct of the examination of women at the hospital; detention if diseased, 1435—Very rare instances of reluctant submission to examination at the present time, 1436-1438—Grounds for objecting to a female examiner, 1439—Occasional examination of soldiers' from unprotected districts; decided improvement as regards such districts, if there were periodical examinations in unprotected districts, 1440-1442.

Report, 1879—continued.

Barr, John Coleman, M.D. (Analysis of his Evidence)—continued.

[Second Examination.]—Explanation that witness never intended in his previous evidence (Q. 1405) to cast the slightest slur on soldiers' wives as a class, they being quite as respectable and well-conducted as any other class of married women, 1443-1464—Reference intended by witness solely to women not living as prostitutes, some of whom soldiers have married without leave, whilst others have been clandestine prostitutes, and have become diseased; diminution of evil from these sources, 1443, 1444, 1447-1464.

Further advocacy, not only of the maintenance but of the extension, of the Contagious Diseases Acts, 1465, 1466—Suggested extension of modified provisions to country towns and large villages where there are known prostitutes, whether military districts or not, 1466, 1467—Belief that the proposed extension would greatly lessen the severity of the disease and the amount of prostitution, 1468, 1469.

Explanation that witness has always been of opinion that soldiers should be examined, 1470—Belief that Lord Cardwell's Order has not only caused much concealment of disease, but is one of the causes why secondary syphilis has not shown a larger diminution, 1470-1472—Result of witness' extensive experience, that he considers there is very little difficulty in detecting disease by an examination of women, 1473-1480.

Dissent from the view that gonorrhœa may be imparted to a man by a woman who has not the disease; disease may, however, be propagated by mediate contagion, 1481-1483—Necessity of a system of examiners in conjunction with an extension of the Acts to non-military districts, 1484-1486.

Further explanation in connection with the removal of some women from Aldershot for treatment in the London Lock Hospital, 1487-1496—Return to Aldershot of the majority of some women sent to London in 1875; rule as to women being sent back from the hospital at the public expense, to the place whence they came, 1495-1502.

Examination in support of former statement that the condition and behaviour of the prostitutes at Aldershot have been immensely improved through the operation of the Acts and the system of the Lock Hospital, 1503-1528—Reclamation of many of the women through hospital influences and voluntary agencies, 1512, 1514—Beneficial operation of the hospital as regards the women, generally, who come to Aldershot, these being the same class as those first dealt with, 1514-1522.

Explanation as regards the voluntary submission of diseased women to periodical examination, that they take this course rather than be compelled by an order of the magistrate to attend for examination; conclusion that without compulsory powers they would choose their own time to be examined, 1523-1560—Comparatively few prostitutes who would utilise hospitals under an entirely voluntary system, and would stay long enough to be completely cured, 1550-1565—Large proportion of the women who take pleasure in the life they lead, and are slow to abandon it, 1556-1558, 1616.

Importance of power of detention in hospital till a complete cure is effected, 1559-1565—Explanation and justification of the course pursued by witness in giving advice and instructions to the women as to keeping themselves clean, and taking precautions against disease; he never intends thereby to give any sanction to prostitution, 1566-1581.

Advantage under the Acts in so far as women are cleaner in their habits and are better dressed; degree of self-respect created thereby, 1582-1585—Evidence at variance with the view that, as a result of the system of examinations under the Acts, and of the more cleanly and healthy state of the women, there is greater sexual indulgence on the part of the men, 1586-1614.

Further statement as to the diminished and small number of prostitutes in proportion to the large force of men, 1592-1595—Existence of clandestine prostitution in the Aldershot district, but not to the same extent as formerly, 1596-1602, 1608, 1623-1625—More steady character of the men, partly through the operation of the Acts, 1604-1607—Very large number of men (sometimes more than twenty) received by the same women in the course of twenty-four hours, 1609-1614, 1619, 1620.

Varying ages of the women further averted to; improvement in so far as there are not now any girls from thirteen to sixteen, this being attributed partly to the effect of the Acts, 1615-1618, 1650-1654—Less mischief in a sanitary point of view if there were a larger supply of women; increased liability to disease when there is an excessive and unnatural use of the same woman, 1621-1623, 1626-1632.

Explanation in connection with the increased per-centage of admissions to the Aldershot Hospital since 1868; special causes to which owing, 1633-1645—Decided increase of liability to disease in the case of very young women, 1646-1649—Advantage if the younger girls could be sent to industrial schools or homes, 1654-1658.

Apprehended large increase of clandestine prostitution and of illegitimate children if a law were strictly enforced for the suppression of professional prostitution, 1659-1662—Check to the spread of disease if punishment were applied to anyone having intercourse in a diseased state, 1659—Reference to the decreased number of registered women

Report, 1879—*continued.*

Barr, John Coleman, M.D. (Analysis of his Evidence)—continued.

women at Aldershot as not necessarily implying a decrease of sexual indulgence on the part of soldiers, 1663-1665.

Further advocacy of the extension of the Acts to places other than military districts, with a view to suppression of the disease in the country generally, 1666-1685—Considerations as to the relative importance, under the Acts, of increasing the efficiency of the Army and Navy, and of suppressing constitutional disease throughout the country, 1670-1685.

Expediency of an examination of men known to frequent brothels, and known as propagators of disease, 1686-1690—Much less reason for an examination of civilians than of soldiers, 1686-1689—Fewer cases of constitutional syphilis if there were a periodical examination of soldiers, 1686—Absence of analogy between the question of an examination of men and of women who are professional prostitutes, 1687—Very small propagation of disease by men as compared with women, 1687, 1688.

Details with further reference to witness' examinations of the women, the time occupied, and the mode in which carried out, 1691-1707—Examination of each woman once a fortnight, as a rule; adequate checks with a view to detection of disease, 1691-1707. 1763-1767.

Evidence at variance with the view that there is much liability to deception in the examination of women as regards gonorrhœa; small per-centage of cases which might escape witness' detection, 1708-1724—Frequent instances of the men at Aldershot having relapses of gonorrhœa, and being otherwise in a condition likely to convey disease to women, 1725-1733.

Consideration of the characteristics and effects of different kinds of sores; conclusion as to soft or infecting sores in women being always followed by secondary syphilis, 1734-1754. 1763-1767—Very mischievous effects of gonorrhœa when followed by stricture, 1742-1744—Dreadful consequences sometimes produced by soft sores, 1743-1745.

Great value of early treatment of primary syphilis, so that urgent symptoms may be prevented, 1755—Grounds for the statement as to there being a reduction of secondary syphilis at Aldershot, 1756-1762—Dissent from certain opinions of Dr. Aitken and Mr. Simon as to the great difficulty of detecting infecting sores in women, 1763-1767.

[Third Examination.]—Further statement as to the improvements under the Acts in the condition of women at Aldershot referring to the existing class, there not being any immigration of a better class, 1769-1771—Desire of women to enter the hospital when their disease is in its painful stage, whilst they are very anxious to leave before they are thoroughly cured, 1772—Main object of periodical examination to detect and treat the disease in its earlier stage, 1773.

Result of witness' experience at the London Lock Hospital that the women came in much too late and left too early; this applies to voluntary hospitals generally, 1774-1782. 1971-1974—Modification under the Acts in the cases of disease sent to the London Hospital from Aldershot; much less severe character of these cases than of those on the voluntary side of the hospital, 1774-1776—Conclusions as to the inadequacy of an extension of voluntary hospitals throughout the country, even though detention were compulsory after voluntary entry, 1780-1782. 1838-1843.

Statement in further explanation of the practice of witness in giving advice to women on leaving the hospital so as to guard against disease, 1783—Advice also given, and aid offered, with a view to reclamation, 1784. 1896—Belief further expressed that the more attractive appearance of the women does not make them more sought after, 1785. 1849—Less solicitation by the women than formerly, whilst the decreased number makes intercourse more difficult, 1786, 1787. 1846-1848—Increase of intercourse, and of the former filth and degradation of the women, if the Acts were repealed, 1788.

Respects in which the tendency of the Acts is to decrease rather than to increase clandestine prostitution, 1789-1791. 1845-1848—Less evil of the small supply of women at Aldershot through their being of more advanced age than formerly and less liable to disease, 1792-1796—Partial object of the Acts to diminish prostitution, though this was not the main object, 1797.

Decided opinion that the present Acts should be maintained, though their success is limited through their being limited in operation; expediency of extension, 1798-1803. 1868-1873—Conviction expressed as to the immense good effected by the Acts, 1802. 1832—Great practical difficulty in applying a system of compulsory examination to men, 1804-1806—Conclusion as to a diminution of primary syphilis necessarily leading to a diminution of secondary syphilis, 1807, 1808—Characteristics of leucorrhœa in women; facility in distinguishing this disease from gonorrhœa, 1809-1812.

Reference to the Act of 1864 as an entire failure, chiefly through the long time before disease was detected, 1813-1817. 1825-1828—Great difficulty in soldiers identifying the women from whom they have contracted disease, the former being very frequently drunk at the time, 1813. 1820—Advantage if brothel keepers were under the supervi-

Report, 1879—continued.

Barr, John Coleman, M.D. (Analysis of his Evidence)—continued.

sion of the police, and if the law respecting concealment of diseased prostitutes were more strictly administered, 1821-1825.

Objection to officers being liable to examination, 1829, 1830—Approval of an examination of the better class of loose women if they come to Aldershot, 1831, 1832. 1834-1837—Necessity of special legislation for such diseases as syphilis and gonorrhœa. 1833—Further statement on the question of clandestine prostitution having increased or decreased; reference hereon to the very small number of registered prostitutes now available, 1845-1864.

Examination upon the question as to the increased liability to the spread of disease at Aldershot through the very reduced number of prostitutes available; reasons nevertheless for justifying the operation of the Act in the latter direction, 1850-1856. 1876-1884—Reduction of constitutional disease at Aldershot, whilst it is too early under the Acts to expect much effect throughout the whole of the Army, 1857.

Advantage of a system of examination of known prostitutes wherever they ply their calling in public, 1872-1874—Approval of some punishment of men known to be propagators of disease, 1875—Illustration in support of witness' conclusions as to the decrease of disease generally through the operation of the Acts, 1885, 1886—Improbability of witness being deceived at his examinations through the use made of his advice as to habits of cleansing, &c., 1887-1890.

Much greater scandal formerly at Aldershot and other places than was involved in the application of the Acts for the removal of the scandal, 1891—Where there is no scandal the Acts need not be applied, *ib.*—Less danger of contagion in the case of high-class prostitutes as more likely to adopt habits of ablution, 1892, 1893—Instances of the great difficulty in weaning women from a life of prostitution, 1894-1896.

Advocacy of the maintenance of the Acts as reducing prostitution, even if they did not reduce disease, 1897—Great improbability of any such extensive evasion of examination by women at Aldershot, as is alleged to be the case at Paris, 1898-1902.

Examination as to witness' grounds for the conclusion that the disease has been reduced at Aldershot since 1868, through the operation of the Acts; fluctuation in different years, diminution being much checked by the importation of disease from other districts, 1903-1934. 1964-1967. 1979-1989. 2001-2006—Particular instances of regiments coming to Aldershot with a great deal of disease already contracted elsewhere, 1921. 1963.

Statement as to the amount of disease among the women at Aldershot, as measured by the number of admissions to hospital in proportion to the very small number of registered prostitutes, 1935-1951—Milder character of the disease except in the case of women who come from unprotected districts, 1949-1951—Limited extent to which women can conceal gonorrhœa, and can spread it before detection, 1952-1956—Value of a periodical examination of the men, though far less important than an examination of the women, 1957-1959.

Frequent instances of diseased women coming from other districts to Aldershot in order to obtain hospital treatment, 1964, 1965. 2061—Resort of the soldiers to women in contiguous districts where there is little check upon them, 1966, 1967—Reiteration of the view as to the entire inadequacy of voluntary Lock hospitals, and the necessity of compulsory examination of women, 1968-1978. 2007-2013.

Examination to the effect that there is no abatement of venereal disease among the civil population generally throughout the country irrespectively of the Acts, 1990-1995. 2032-2060—Views of Mr. Lane of the London Lock Hospital as to the mitigated severity of cases from districts under the Acts, 1996-1998—Salutary operation of the Acts not only in a curative sense but in leading to the reclamation of prostitutes, 1999, 2000.

Considerable extent to which disease in soldiers on first arrival at Aldershot may escape detection by the examiners, 2001-2005—Further consideration of the relative extent to which disease is likely to be spread by men and by women, 2014-2028—Respect in which the returns in the Army Medical Report are misleading as to the statistics of force and of disease, 2029-2031.

Belief as to Mr. Simon being favourable to the application of the Acts to garrison towns, 2056, 2057—Great severity of the disease in unprotected districts, though some good has been indirectly effected in these through the protected districts, 2057-2061.

Bond, Thomas, F.R.C.S. (Analysis of his Evidence.)—Considerable experience of witness in reference to venereal disease in London; he is surgeon to the A Division of Metropolitan Police, 3085, 3086—Result of extensive practice that witness finds the disease just as severe and virulent as it was twenty years ago, 3087-3098—Experience of witness formerly at the Voluntary Lock Hospital as to the necessity of compulsory detention of

Report, 1879—continued.

Bond, Thomas, F.R.C.S. (Analysis of his Evidence)—continued.

patients till they are cured; advocacy of compulsory entry as well as compulsory detention, 3099-3104. 3123. 3134-3140.

Improved treatment of venereal cases, so that the results are not so mischievous as formerly; less mercury now given in cases of simple sores, 3105-3114—Difficulty in readily distinguishing between syphilitic and non-syphilitic sores; about one-third of the sores are syphilitic, 3115-3122.

Explanation that witness is favourable to an extension of the Contagious Diseases Acts to all professional prostitutes all over the country, 3124-3131—Benefit by applying the Acts to certain districts in London, with a view to subsequent extension to all trading prostitutes, 3126-3133. 3141-3148—Reason for advocating an examination of prostitutes, but not of men who make use of them; expediency of a check upon prostitution as a trade, 3141-3146.

Very few cases of venereal disease in the metropolitan police; many cases are however concealed, in view of suspension of pay, 3149-3159—Estimate of about one-half the men as being married, 3160-3162—Statistics as to the number of venereal cases in the years 1875-78; 3162.

Brothel Keepers. Advantage if brothel keepers were under the supervision of the police, and if the law respecting concealment of diseased prostitutes were more strictly administered, *Barr* 1821-1825.

Buboes. Statement as to the effect of primary sores, if neglected, in producing buboes, and in otherwise impairing the efficiency of the Army, *Lawson* 910-922. 1115-1125—Occurrence of buboes in about one-fourth or one-fifth of the cases of primary sores; this cannot be predicted at first, *ib.* 923-928.

C.

Camps. Practicability of keeping prostitutes at a distance from camps, this not applying to large barracks or fixed garrisons, *Myers* 3065-3082.

Cavalry. Effect of gonorrhœa rather than syphilis in incapacitating cavalry soldiers from duty, *Sir W. Muir* 323—Question considered as to the cause of the less ratio of disease in the Household Cavalry than in the Guards, *Robinson* 2361-2370—Much less disease in the Cavalry than in the Guards; causes thereof, *Myers* 2999-3005. 3014-3018. 3083, 3084.

Chest Disease. Other causes besides syphilis to which chest disease in soldiers is attributable, *Robinson* 2322-2325.

Children of Diseased Soldiers. Injurious effect upon the children of men who marry before they are cured of disease, *Robinson* 2095—Instances of men marrying with constitutional syphilis not thoroughly cured, so that it is propagated to their children, *ib.* 2279, 2280. 2326, 2327—Lamentable effects of hereditary syphilis, *Myers* 2949.

Civil Population. Decided opinion that there is no abatement of venereal disease among the civil population, generally, throughout the country, and that the disease was not in process of gradual diminution irrespectively of the Acts; dissent from the views of Mr. Skey and Mr. Simon on this point, *Barr* 1990-1995. 2032-2060.

See also Extension of Acts.

Clandestine Prostitution. Prevalence formerly of much clandestine prostitution at Aldershot, and of numerous offences against the law, *Barr* 1362—Grounds for concluding there is much less clandestine prostitution than formerly, *ib.* 1373—Existence of a certain amount of clandestine prostitution in the Aldershot district, but not to the same extent as formerly, *ib.* 1596-1602. 1608. 1623-1625.

Apprehended large increase of clandestine prostitution and of illegitimate children if a law were strictly enforced for the suppression of professional prostitution, *Barr* 1659-1662—Respects in which the tendency of the Acts is to decrease rather than increase clandestine prostitution, *ib.* 1789-1791. 1845-1848.

Further statement on the question of clandestine prostitution having increased or decreased; reference hereon to the very small number of registered prostitutes now available, *Barr* 1845-1867.

Classification (Venereal Sores). Statement as to the discontinuance of the former classification of venereal sores under the heads of infecting and non-infecting; objections to such classification, *Robinson* 2212-2223. 2377-2383; *Myers* 2880-2894.

Coldstream Guards. Details relative to the amount of venereal disease in the battalion of the Coldstream Guards to which witness has been attached since 1859, *Myers* 2511 *et seq.*—Estimate of from one-third to one-half of the men in hospital as suffering from venereal disease, *ib.* 2515, 2516.

Statistics

Report, 1879—continued.

Coldstream Guards—continued.

Statistics supplied and explanations thereon relative to the number of cases in witness' battalion at Windsor in each of the years 1865-78; conclusion as to the benefits realised when the Contagious Diseases Acts came into full operation, *Myers* 2519-2566. 2576-2585—Regular inspection of the men, so that there can be no concealment of disease; efficiency and decency with which the examination is conducted, *ib.* 2556-2561. 2567-2569. 2578-2580.

Statistics of disease in London as compared with Windsor; much larger proportion in London, though the men are regularly inspected, *Myers* 2584-2590. 2600-2604—Regular examination of the battalion at Windsor in 1868, *ib.* 2702-2706.

Grounds for concluding that secondary disease has been reduced in the regiment through the operation of the Acts; difficulty in proving this statistically, *Myers* 2945, 2946.

Return of admissions at Windsor for primary syphilis during the years 1865 and 1878, *App.* 165—Return of admissions for primary syphilis and gonorrhoea in London from 1876 to 1879, *ib.*—Similar return as regards Windsor and Shorncliffe, *ib.*

See also *London*.

Colonies. Returns received from protected stations in the colonies as to the amount of venereal disease, the results being shown in the papers presented to Parliament, *Sir W. M. Muir* 341-348.

Concealment of Disease. Concurrence of evidence as to the effect of Lord Cardwell's Order relative to stoppage of pay whilst in hospital in causing concealment of disease, *Sir W. M. Muir* 69-73. 129-134; *Lawson* 464-469. 473-482. 802-804; *Barr* 1378-1381; *Myers* 2555, 2556. 2567.

Conclusion as to the extensive concealment of the disease in spite of the punishment by confinement to barracks for twenty-eight days, *Sir W. M. Muir* 124-128—Propagation of venereal disease among women when soldiers conceal the disease instead of entering hospital, *ib.* 324-326. 333, 334.

Belief that there is very little concealment of disease in regiments when the surgeons make a point of reporting concealment to the commanding officer, *Lawson* 759-763—Extent to which concealment tends to aggravate the disease, and probably results in its being communicated to females, *ib.* 764-767—Detection doubtless of any concealed disease by examining men on leaving protected stations, as well as by periodical examination, *ib.* 806, 807. 810-812.

Great difficulty as to concealment if there were a regular inspection of the men, *Robinson* 2116. 2134-2139.

See also *Detection of Disease.* *Stoppage of Pay.*

Constitutional Syphilis. See *Secondary Syphilis*.

Cure of Disease. Result of experience that cures are best effected where the men can be in the open air, as at Shorncliffe, *Robinson* 2356-2358.

D.

Detection of Disease. Result of witness' extensive experience that he considers there is very little difficulty in detecting disease by an examination of women, *Barr* 1473-1480 Evidence at variance with the view that there is much liability to deception in the examination of woman as regards gonorrhoea; small per-centage of cases which might escape witness' detection, *ib.* 1708-1724.

Dissent from certain opinions of Dr. Aitken and Mr. Simon as to the great difficulty of detecting infesting sores in women, *Barr* 1763-1767—Improbability of witness being deceived at his examinations through the use made of his advice as to habits of cleansing, &c., *ib.* 1887-1890—Considerable extent to which disease in soldiers may escape detection by the examiners, *ib.* 2001-2005.

Detention in Hospital. Importance of a power of detention in hospital till a complete cure is effected, *Barr* 1559-1565.—See also *Hospitals.* *Voluntary System.*

Dress and Appearance of Prostitutes. Advantage under the Acts, in so far as the women are cleaner in their habits and are better dressed; degree of self-respect created thereby, *Barr* 1582-1585—Belief that the more attractive appearance of the women does not make them more sought after, *ib.* 1586-1614. 1785-1849.

Dublin. Reference to Dublin as one of the worst garrison towns in the matter of syphilis, *Robinson* 2331.

Duration (Primary Sores). Question considered whether in the years 1875 to 1877, the average duration of primary sores was not longer at stations under the Acts than at stations not under the Acts; grounds for concluding that this was not so in other years, *Lawson* 772-782—Belief on the other hand that since the Acts the duration is one or two days less at protected stations, *ib.* 773-776.

E.

Efficiency of the Army. Consideration in detail of the saving effected in the force of the army at home by reason of the operation of the Acts, *Sir W. M. Muir* 59-68. 89-96. 150-168 — Reference to explanatory note as showing that the average saving for the five years, 1868-72, was, at the fourteen stations under the Acts, 190 men, and that the saving would probably have been 300 men if the fourteen stations not under the Acts had also been dealt with; that is, for primary venereal sores, *ib.* 59-63. 89-96. 109-111. 150-164 (p. 15)—Varying number of days for which men are incapacitated for service by each attack, *ib.* 99-102.

Examination as to the relative saving in efficiency at protected and unprotected stations between the years 1870 and 1877; admission as to the saving at the latter if certain returns in the Army Reports be taken as the basis of calculation, *Lawson* 688-723—Inefficiency for active service of men who conceal syphilitic disease rather than go into hospital and forfeit pay, *ib.* 797-801—Various forms of disease which originate in syphilis, and for which diseases soldiers may be invalided, *ib.* 805.

Explanations with further reference to the relative inefficiency in protected and non-protected stations, *Lawson* 817-823—Summary of calculations as to the saving in the efficiency of the army in respect of primary syphilis under the Acts in 1870-73 *ib.* 1073-1089. 1189-1194—Similar summary as regards secondary syphilis, 1089-1096—Amount of saving also in respect of gonorrhœa, *ib.* 1097-1114. 1195-1202.

Approximate estimate of a saving of 387 men per day on a force of 50,000 men; that is, in respect of primary syphilis and gonorrhœa, *Lawson* 1189-1202—Prejudicial effect as regards the efficiency of the soldier even when discharged from hospital after disease, *ib.* 1235-1237.

Considerations as to the relative importance of increasing the efficiency of the Army and Navy, and of suppressing constitutional disease throughout the country, *Barr* 1670-1685.

Reference to the loss to the country from the prevalence of venereal disease among soldiers as one reason which induced witness in 1857 to ask for preventive measures, *Robinson* 2094.

See also <i>Aldershot.</i>	<i>Examinations.</i>	<i>Extension of Disease.</i>	<i>Gonorrhœa.</i>	<i>Primary</i>
<i>Sores.</i>	<i>Secondary Syphilis.</i>	<i>Stoppage of Pay.</i>	<i>Unprotected Districts.</i>	
<i>Windsor.</i>				

Epidemics. Disturbance of the statistics of venereal disease by the occurrence of an epidemic in any year, such as small-pox, *Lawson* 876-880.

EXAMINATIONS (SOLDIERS AND PROSTITUTES):

1. *As to the Extent to which the Men are now or have been Examined with reference to Venereal Disease, and as to the Question of Systematic Examination throughout the Service.*
2. *As to the Examination of Prostitutes in Districts under the Contagious Diseases Acts, and the Beneficial Effects thereof.*

1. *As to the Extent to which the Men are now or have been Examined, &c.:*

Stop put to the periodical examination of the men as being degrading to them and derogatory to the medical officer, *Sir W. M. Muir* 103-108. 112-119—Doubt as to the inspections having been of much value; disapproval of their being renewed, *ib.* 106. 113. 119. 327.

Practice as to the examination of all men coming into protected districts from unprotected districts or from furlough; this regulation does not apply to the districts not under the Acts, *Sir W. M. Muir* 282-295—Effect of the foregoing regulation in restricting the disease among women in stations under the Acts, *ib.* 293-295—Probable check to the spread of disease if the periodical inspections had been continued, *ib.* 327-334.

Practice in 1868 at Aldershot as to the examination of every man absent from the station for three days or joining for the first time; hence the detection of imported cases, *Lawson* 507-510. 517—There was no weekly inspection of the men in 1868, *ib.* 531-534—

Statement

Report, 1879—continued.

EXAMINATIONS (SOLDIERS AND PROSTITUTES)—continued.**1. As to the Extent to which the Men are now or have been, &c.**—continued.

Statement as to there being no systematic examination of soldiers on leaving Aldershot, though all soldiers on arrival in camp are examined; question hereon whether there may not be much concealment of disease, *Lawson* 610-623.

Explanation that witness adopted the system of examination of men for many years, but that he does not now consider this necessary, *Lawson* 757-771. 788-795—Circumstance of the Army and Navy Committee on Venereal Disease in 1864 having almost unanimously recommended periodical examination of soldiers, *ib.* 770. 788, 789.

Existence of examinations of the men in protected stations only, *Lawson* 870—Explanation as to the non-examination of men on going from a subjected into a non-subjected district, and as to the allowance to be made for exported disease from the former, *ib.* 881-902—Belief as to there being now no examinations of the men, as a rule, save when they first come to new stations, *ib.* 1205-1209.

Conclusion as to the necessity of a periodical examination of the men with a view to the eradication of the disease, *Barr* 1382, 1383—Occasional examination of soldiers in protected districts; decided improvement as regards such districts if there were periodical examinations in unprotected districts, *ib.* 1440-1442—Explanation that witness has always been of opinion that soldiers should be examined, *ib.* 1470.

Expediency of an examination of men known to frequent brothels and known as propagators of disease, *Barr* 1686-1690—Much less reason for an examination of civilians than of soldiers, *ib.* 1686-1689—Absence of analogy between the question of an examination of men and of women who are professional prostitutes, *ib.* 1687.

Great practical difficulty in applying a system of compulsory examinations to men, *Barr* 1804-1806—Value of a periodical examination of the men, though far less important than an examination of the women, *ib.* 1957-1959.

Practice as to the medical examination of the men of the Scots Guards with reference to the existence of venereal disease; much better way in which conducted than in the case of Line regiments, *Robinson* 2105-2107. 2117-2120—Great importance attached to a regular examination both in protected and unprotected stations, *ib.* 2107-2111.

Further approval of periodical inspections if conducted with proper decency and privacy; much less necessity thereby for inspection of women, *Robinson* 2295, 2296—Impression (found to be erroneous) as to the examination of the men being enforced by the Acts; initiative of witness in the matter, as he held that inspections should be made in both protected and unprotected districts, *ib.* 2471-2482.

Importance of an examination of the men as well as the women, *Myers* 2605—Non-commissioned officers above the rank of corporal are not examined, nor are married soldiers (who are married with leave), *ib.* 2927—Facility and rapidity with which the examinations in the Guards are conducted, *ib.* 2929—Sufficiency of a period of from half-an-hour to three quarters for the examination of 400 men, *ib.*

Regulations respecting periodical medical examinations in the Army Lock Hospitals, *App.* 172—Provisions as to relief from periodical examination, *ib.* 173.

2. As to the Examination of Prostitutes in Districts under the Contagious Diseases Acts, and the Beneficial Effects thereof:

Decided approval of the compulsory examination of women and their treatment in Lock hospitals, *Sir W. M. Muir* 360, 361.

Great importance attached to an examination of women; decrease of disease in the army thereby, *Lawson* 557. 746-756—Doubt as to disease having increased in the case of women who have been examined under the Act; question as to the inference to be drawn from any such increase, *ib.* 731-735.

Voluntary submission of the women at Aldershot to examination, with very few exceptions, *Barr* 1352—System of fortnightly examination of the women as a rule; exceedingly beneficial effect thereby upon the conduct and habits of the women, *ib.* 1363, 1364.

Details as to the conduct of the examination of women at the Aldershot Hospital; detention if diseased, *Barr* 1435—Very rare instances of reluctant submission to examination at the present time, *ib.* 1436-1438.

Further details with reference to witness' examinations of the women, the time occupied, and the mode in which carried out, *Barr* 1691-1707—Examination of each woman once a fortnight as a rule; adequate checks with a view to the detection of disease, *ib.* 1691-1707. 1763-1767—Approval of an examination of the better class of loose women if they come to Aldershot, *ib.* 1831, 1832. 1834-1837.

EXAMINATIONS (SOLDIERS AND PROSTITUTES)—continued.**2. As to the Examination of Prostitutes in Districts, &c.—continued.**

Reason for advocating an examination of prostitutes but not of men who make use of them; expediency of a check upon prostitution as a trade, *Bond* 3141-3146.

See also *Aldershot. Coldstream Guards. Concealment of Disease. Detection of Disease. Extension of Acts. Female Examiners. Guards. London. Officers. Primary Sores. Scots Guards. Unprotected Districts. Voluntary System. Windsor.*

Extension of Acts. Enumeration of hindrances to the more satisfactory working of the Acts; the great drawback is the too limited area of operation, *Barr* 1370-1377. 1384. 1403-1405—Advocacy of an extension of the Acts to all garrison towns or places where there are numbers of soldiers, *ib.* 1397, 1398.

Further advocacy not only of the maintenance but of the extension of the Acts, *Barr* 1465, 1466. 1798-1803. 1868-1873. 1891—Suggested extension of modified provisions to country towns and large villages where there are known prostitutes, whether military districts or not, *ib.* 1466, 1467—Belief that the proposed extension would greatly lessen the severity of the disease and the amount of prostitution, *ib.* 1468, 1469.

Necessity of a system of examination in conjunction with an extension of the Acts to non-military districts, *Barr* 1484-1486.

Further advocacy of the extension of the Acts to places other than military districts with a view to the suppression of the disease in the country generally, *Barr* 1666-1685—Advantage of a system of examination of known prostitutes wherever they ply their calling in public, *ib.* 1872-1874—Where there is no scandal the Acts need not be applied, *ib.* 1891.

Conclusion as to the necessity of applying the Acts in all garrison towns, *Robinson* 2111-2113. 2123, 2124—Indirect as well as direct consequences of syphilis in the army, so that witness would extend the Acts to all military stations, *ib.* 2240, 2241. 2250, 2251.

Obstacles and objections which militate against the extension of the Acts to the country at large, though witness advocates their extension to London, Sheffield, and garrison towns generally, *Robinson* 2242-2252—Inference as to the benefit from applying the Acts, when so much good can be effected by the suppression of a brothel, as at Windsor in 1867, *ib.* 2267, 2268.

Statement as to soldiers' prostitutes being a defined and well-known class; belief that they could be easily identified for separate treatment under the Acts, *Myers* 2631-2635. 2821-2826.

Explanation that witness is favourable to an extension of the Acts to all professional prostitutes all over the country, *Bond* 3124-3131.

See also *Examinations. London.*

F.

Female Examiners. Probable advantage if a competent woman surgeon were appointed under the Acts for the examination of the women, *Lawson* 548. 550.

Grounds for objecting to a female examiner of prostitutes, *Barr* 1439.

Fluctuations of Disease. Statement in detail as to the great fluctuations in the amount of disease in different regiments at Aldershot at the same time; probable causes thereof, *Lawson* 406-418. 528-540. 1267-1265—Statistics showing remarkable fluctuations in the per-centage of disease in different years; difficulty in accounting for this, save on the ground that men are naturally more susceptible of contagion in one year than another, *ib.* 438-441. 445-448—Necessity of taking the average of a period of six years or so, in order to neutralise the fluctuations from year to year, *ib.* 442-444—Instances of a high rate of venereal disease in regiments in which special care was taken to secure a low rate, *ib.* 1226-1231.

Foreign Service. Beneficial operation of the Acts as regards regiments returning from abroad and going to protected districts, *Sir W. M. Muir* 362-366.

Furlough. Regulation as to the medical examination of men on return from furlough into stations under the Contagious Diseases Acts, *Sir W. M. Muir* 284. 289.

G.

Garrison Towns. Beneficial effect as regards neighbouring places when any large garrison town is placed under the Acts, *Lawson* 541-544—Advocacy of extension of the Acts to all garrison towns, *Barr* 1397, 1398; *Robinson* 2111-2113. 2123, 2124. 2244-2252—Increased proportion of diseased cases in garrison towns, where there are large city populations, such as London, Sheffield, Manchester, and Dublin, *Robinson* 2175-2183. 2244-2252.

Gleet. Divided opinions of medical men as to gleet being contagious, *Barr* 1725.

GONORRHOEA:

1. *Amount of the Disease in the Army in different Years.*
2. *Characteristics and Effects of the Disease.*

1. *Amount of the Disease in the Army in different Years:*

Very little reduction of gonorrhœa cases till the year 1868, the chief reduction having been since 1873; statement hereon showing that the diminution was considerable at the unprotected as well as the protected stations, *Sir W. M. Muir* 74-88—Doubt as to there having been but little if any benefit as regards reduction of gonorrhœa in the years 1868-73, *ib.* 238-246. 256, 257. 296, 297.

Difficulty in accounting for the large and sudden fall in the number of cases since 1873; reference herein to the Order as to stoppage of pay as having operated alike in the protected and the unprotected districts, *Sir W. M. Muir* 247-268—Much larger amount of gonorrhœa than of syphilis in the army, *ib.* 321, 322.

Reference to the statistics of gonorrhœa in the two periods from 1860 to 1863 and from 1870 to 1873, as proving that the diminution was much greater in stations placed under protection than in those remaining unprotected, *Lawson* 496-499.

Evidence in further reference to witness' calculations as to the diminution of cases through the application of the Acts; statement hereon as to his not having taken the same periods for these calculations as for those with respect to primary syphilis, *Lawson* 983-1055. 1097-1114—Examination as to the small diminution of gonorrhœa at protected stations in the years 1867-73 as compared with 1861-67; more satisfactory results shown for the years 1870-73 as compared with 1860-63, *ib.* 992-1049. 1097-1114. 1218-1225.

Summary of calculations as to the saving effected in the efficiency of the army in respect of gonorrhœa, *Lawson* 1097-1114. 1195-1202—Grounds for the conclusion that the proportion of gonorrhœa to syphilis is smaller in London than in other stations, *ib.* 1187, 1188.*

Recapitulation of the returns for protected and unprotected districts, respectively, showing for the years 1874-78 a much smaller ratio of disease in the former than in the latter, *Lawson* 1284-1297.

Explanation as to the relative proportion of cases of gonorrhœa and primary syphilis in 1873 and in 1878; causes of diminution of the former, *Barr* 1417-1423.

Several causes of the increase of gonorrhœa in the army during the last two years, *Myers* 2947, 2948.

Extract from Army Medical Department Report for the year 1878 showing the admissions for gonorrhœa at certain large stations in the United Kingdom, and their rates per 1,000 of the average annual strength, *App.* 155.

Statistics of admission for the several years 1860-78, in fourteen stations brought under the Contagious Diseases Acts, and in fourteen stations not under the Acts, *App.* 157.

Table showing the admissions into hospital at the stations never under the Acts in each of the years from 1860 to 1866, *App.* 159.

2. *Characteristics and Effects of the Disease:*

Reference to gonorrhœa as a local disease quite different from primary syphilis, *Sir W. M. Muir* 140—Doubt as to the efficiency of the Acts being much impaired if gonorrhœa were struck out of them, *ib.* 316-320—Mischievous effect especially as regards the efficiency of cavalry soldiers, *ib.* 323.

Mischievous consequences of gonorrhœa, especially if neglected, as regards the soldier's efficiency, *Lawson* 1238-1245—Liability to an increased amount of gonorrhœa in regiments with many young soldiers, *ib.* 1301, 1302.

Dissent from the view that gonorrhœa may be imparted to a man by a woman who has not the disease; liability however to the disease by mediate condition, *Barr* 1481-1483—Frequent instances of the men at Aldershot having relapses of gonorrhœa and being otherwise in a condition likely to convey the disease to others, *ib.* 1725-1733—Mischievous consequences when followed by stricture, *ib.* 1742-1744—Limited extent to which women can conceal gonorrhœa, and can spread it before detection, *ib.* 1952-1956.

Report, 1879—continued.

GONORRHOEA—continued.

2. *Characteristics and Effects of the Disease*—continued.

Unanimity of medical opinion as to gonorrhœa not being a matter of constitutional disease, *Myers* 2615, 2616.

See also *Aldershot. Coldstream Guards. Detection of Disease. Legislation. Returns and Statistics. Scots Guards.*

Guards. Probable necessity for a periodical examination of the Guards as being stationed in London, *Lawson* 792, 793.

Recent date of the suspension in the Guards of the order as to stoppage of pay in hospital, *Robinson* 2266—Statement as to the Guards' hospitals not being under the control of the Army Medical Department, and being managed by the officers, by whom they were built, *ib.* 2305-2311—Crowded state of the Guards' hospitals in London through the increase of syphilis, *ib.* 2354, 2355. 2486-2489.

Arrangement between the commanding officer and the surgeon-major as to the carrying out of inspections, *Robinson* 2435, 2436—Regulation as to the examination of the Guards on coming to London from Aldershot, or on arriving at Windsor from London, *ib.* 2490-2494.

Better class of men in the Guards than in the Line, *Myers* 2606—Value of the periodical examinations in preventing concealment of the disease, *ib.* 2925, 2926.

See also *Coldstream Guards. Examinations. London. Scots Guards. Windsor.*

H.

Hereditary Disease. Great evil through the seeds of various other diseases being sown by venereal disease, *Sir W. M. Muir* 134-137.

See also *Children of Diseased Soldiers.*

HOSPITALS (TREATMENT OF WOMEN):

Practice when a man is discharged with the primary disease superficially cured of still retaining him in hospital on account of secondary symptoms, *Lawson* 460-472—Circumstance of many women coming from unprotected stations into the hospitals in stations under the Act in order to be cured, *ib.* 904-906—Probable diminution of syphilis in unprotected districts if there were hospitals available, as in protected districts; difficulty as to detention for a sufficient time, *ib.* 1214-1217. 1303-1306.

Concurrence of evidence as to the inadequacy of voluntary hospitals, *Lawson* 1056-1072. 1176-1184. 1203, 1204; *Barr* 1523 *et seq.*; 1780-1782. 1838-1843; *Robinson* 2095-2097. 2104. 2125-2130.

Arrangement at first for the use of twenty beds in the London Lock Hospital for women from Aldershot, *Barr* 1316, 1317. 1321—Insufficient time for the complete cure of the women sent at first to the hospital in London; power of detention for six months under the Act of 1866, *ib.* 1326-1333.

Exceedingly refractory conduct of the women when first placed in hospital at Aldershot; great importance of restraint, so that the immense majority would have left if they could before they were thoroughly cured, *Barr* 1335-1338—Total of 7,836 admissions to the Aldershot hospital since June 1867; large number of re-admissions included in this total, *ib.* 1339-1348—Admission of strangers from time to time, especially when new regiments come into camp, *ib.* 1350, 1351.

Suggestions made by witness to Lord Cardwell and Mr. Gethorne Hardy for special treatment of women who, not being prostitutes, nor being married, were diseased; advantage of separate beds being appropriated to this class, *Barr* 1405-1416—Average detention in hospital at Aldershot for twenty-five days, *ib.* 1431, 1432.

Further explanation in connection with the removal of some women from Aldershot for treatment in the London Lock Hospital, *Barr* 1487-1496—Return to Aldershot of the majority of some women sent to London in 1875; rule as to women being sent back from the hospital at the public expense to the place whence they came, *ib.* 1495-1502.

Explanation and justification of the course pursued by witness in giving advice and instructions to the women as to keeping themselves clean and taking precautions against disease; he never intends thereby to give any sanction to prostitution, *Barr* 1566-1581. 1783—Frequent instances of diseased women coming from other districts to Aldershot in order to obtain hospital treatment, *ib.* 1964, 1965. 2061—Reiteration of the view as to the entire inadequacy of voluntary Lock hospitals, and the necessity of compulsory examination of women, *ib.* 1968-1978. 2007-2013.

Report, 1879—continued.

HOSPITALS (TREATMENT OF WOMEN)—continued.

Proposal by witness, in 1867, for the establishment of Lock hospitals on the voluntary principle; result of subsequent experience that coercive measures seem to be necessary, *Robinson* 2095-2097. 2104. 2276.

Experience of witness formerly at the Voluntary Lock Hospital as to the necessity of compulsory detention of patients till they are cured; advocacy of compulsory entry as well as compulsory detention, *Bond* 3099-3104. 3123. 3134-3140.

Regulations for the management of Lock hospitals under the War Department, under the Contagious Diseases Acts, 1866 to 1869, *App.* 166-173—Confidential instructions for the visiting surgeons as regards the examination of women in the Army Lock hospitals, *ib.* 171, 172.

See also *Aldershot.* *Concealment of Disease.* *Efficiency of the Army.* *Examinations, 2.* *Extension of Acts.* *London.* *Navy.* *Reclamation of Prostitutes.* *Stoppage of Pay.* *Voluntary System.* *Windsor.*

Hounslow. Less proportion of disease apparently at Hounslow, which is an unprotected station, than at Windsor since 1867, *Robinson* 2399-2407.

I.

Identification of Diseased Prostitutes. Great difficulty in soldiers identifying the women from whom they have contracted disease, the former being very frequently drunk at the time, *Barr* 1818-1820.

Imported Disease (Protected Stations). Necessity of excluding imported cases in order to show the working of the Acts in any protected district, *Sir W. Muir* 88; *Myers* 2924.

Incurable Cases. Exceptional instances of cases not being curable in six or nine months; very aggravated character of some incurable cases, *Barr* 1424-1428. 1433, 1434—Suggestion already made by witness for prolonged detention of incurable cases, *ib.* 1429, 1430.

Inspection of Soldiers and of Prostitutes. See *Examinations.*

Ireland. Extensive prevalence of disease at Limerick and other garrison towns in Ireland not under the Acts, *Robinson* 2328—Excessive prevalence of syphilis in Dublin, *ib.* 2331—Insufficiency of voluntary efforts in Ireland for the reclamation of fallen women, *ib.* 2347.

J.

Juvenile Prostitution. Gradual decrease of very young girls at Aldershot since witness went there in 1868; there are now very few under nineteen, *Barr* 1360-1362—Decided increase of liability to disease in the case of very young prostitutes, *ib.* 1646-1649—Advantage if the younger girls could be sent to industrial schools or homes, *ib.* 1654-1658.

Difficulty in stating how far the diminution of juvenile prostitution may be due to the Acts, *Barr* 1796—Instance formerly, at Aldershot, of a prostitute only thirteen years old, *ib.*

L.

Lane, Mr. Views of Mr. Lane, of the London Lock Hospital, as to the mitigated severity of cases of venereal districts from districts under the Acts, *Barr* 1996-1998.

Lawson, Robert. (Analysis of his Evidence.)—Long and extensive experience of witness as an Army Surgeon in different parts of the world; he retired from the service, in 1872, as an Inspector General of Hospitals, 385-392.

Careful inquiry made by witness, when in charge of the medical department at Aldershot in 1868, with reference to the extent of venereal disease in different regiments, comprising about 4,000 men; the Act of 1866 was then in full operation, 392-403—Belief that in 1868 women were periodically examined at Aldershot, 404, 405—Great discrepancies between the regiments in question as to the proportion of venereal disease; several causes to which attributable, each regiment having habits or customs of its own, by which liability to disease is influenced, 406-418. 528-540.

Statement showing that in 1860 the proportion of diseased men was 146 per 1,000 in fourteen stations, since placed under the Contagious Diseases Acts, and 133 per 1,000 in stations still not under the Acts; that is, for primary sores only, 419-425—Great decrease

Report, 1879—continued.

Lawson, Robert. (Analysis of his Evidence)—continued.

in 1866, in which year the proportion of diseased cases had fallen to eighty-seven per 1,000 in the fourteen protected stations, including London, 426-430—State of the disease in the two classes of stations in 1867 and 1871; considerable decrease in 1871, especially as regards protected stations, 431-435.

Statistics showing remarkable fluctuations in the per-centage of disease in different years; difficulty in accounting for this, save on the ground that men are naturally more susceptible to contagion in one year than another, 438-441. 445-448—Necessity of taking the average of a period of six years or so, in order to neutralise the fluctuations from year to year, 442. 444.

Similar amount of disease, or primary venereal sores, at stations not under the Acts, in the two periods of six years from 1861 to 1866, and from 1867 to 1872, inclusive; average of about 114 per 1,000; 442, 443. 462—Average of about 109 per 1,000 in the years 1861 to 1866 at fourteen stations that come under the Acts, the average having fallen to sixty-five per 1,000 in the years 1867 to 1872; 449-452—Comparative decrease of disease in the years 1870 to 1873, as compared with the years 1860 to 1863, in the two classes of stations; very large diminution at the stations which came under the Acts, 453-461—Absence of diminution over a series of years before the Acts came into operation, 462.

Statistics as regards syphilis in the whole army, and the proportion of primary and secondary cases in the period from 1861 to 1872, and from 1873 to 1878; large increase in the per-centage of secondary syphilis in the latter period, and causes to which owing, 463-472—Disturbing effect of Lord Cardwell's Order relative to stoppage of pay, as having induced concealment of primary disease, and a consequent development of secondary symptoms, 464-469. 473-482.

Practice when a man is discharged with the primary disease superficially cured, of still retaining him in hospital on account of secondary symptoms, 470-472—Similar proportion of cases of secondary syphilis in the army from 1873 to 1878 as from 1867 to 1872, there being no stoppage of pay for concealment of secondary disease, 483-495.

Reference to the statistics relating to gonorrhœa in the two periods from 1860 to 1863 and from 1870 to 1873, as proving that the diminution was much greater in stations placed under protection than in stations remaining unprotected, 496-499—Explanation in connection with the per-centage of cases of primary venereal sores at Aldershot between 1868 and 1871; large reduction to be made in respect of imported cases, 500-515—Practice at Aldershot, at this period, as to the examination of every man absent from the station for three days, or joining for the first time; hence the detection of imported cases, 507-510. 517.

Explanation also in connection with the returns relative to gonorrhœa at Aldershot from 1868 to 1871; allowance to be made for imported cases, 516, 517—Reference to the much larger amount of disease in some regiments at Aldershot than in others, as not any proof that the periodical examination of women is useless, 518-524—Further statement as to the indirect way in which Lord Cardwell's Order affected the number of cases of secondary syphilis, 525-527.

Statement to the effect that there was no weekly inspection of the men at Aldershot in 1868; 531-534—Several respects in which disease is likely to be more prevalent through there being younger men in the army under the short service system, 535-539. 783-787—Beneficial effect as regards neighbouring places where any large garrison town is placed under the Acts, 541-544—Probable advantage if a competent woman surgeon were appointed under the Acts for the examination of the women, 548. 550.

Examination with further reference to the causes of the much greater amount of disease in some regiments at Aldershot than in others in 1868; 551-559. 783-787—Great importance attached, in any case, to an examination of the women, as at Aldershot, 557.

Explanation as to Windsor not having been separated from London and other unprotected stations in certain returns up to the year 1861; at this period Windsor was not a subjected station, 560-571—Examination in detail upon the question as to the relative increase or decrease of primary sores and of secondary syphilis in different periods previously to, and since the enforcement of the Acts, 572 *et seq.*—Data for the conclusion that, on the whole, there has been a decided reduction of secondary syphilis through the operation of the Acts, 572 *et seq.*

Statement as to there being no systematic examination of soldiers on leaving, at Aldershot, though all soldiers on arrival in camp are examined; question hereon, whether there may not be much concealment of disease. 610-623—Consideration of the circumstance of there having been an almost continuous fall in the disease in the army in the years from 1860 to 1863, according to the Army Medical Report for 1877; exception taken to the conclusion that this decrease would have continued without any Contagious Diseases Act, 624-660.

Return as to the amount of disease in the whole army in the years 1864 to 1869; explanation as regards 1866 that this was a year of minimum disease though protection was then only partially in operation, 661-684—Examination as to the relative saving

Report, 1879—*continued*.*Lawson, Robert.* (Analysis of his Evidence)—*continued*.

in efficiency at protected and unprotected stations between the years 1870-1877; admission as to the greater saving at the latter if certain returns in the Army Reports be taken as the basis of calculation, 688-723.

Further dissent from the Army Medical Reports upon the question of gonorrhœa cases having increased through Lord Cardwell's Order as to stoppage of pay in hospital, 724-730—Doubt as to disease having increased in the case of women who have been examined under the Act; question as to the inference to be drawn from any such increase, 731-735—Liability to deception in drawing conclusions from the amount of disease among small bodies of men for short periods of time, 736-738.

Inexperience of witness as to the examination of women in respect of disease, so that he cannot speak as to their effectually concealing gonorrhœa, 739-744—Repetition of opinion that by the examination of women, as under the Acts, disease in the army has been, to a great extent, reduced, 745-756—Explanation that witness adopted the system of examination of the men for many years, but that he does not now consider this necessary, 757-771. 788-795.

Belief that there is very little concealment of disease in regiments where the surgeons make a point of reporting concealment to the commanding officer, 759-763—Extent to which concealment tends to aggravate the disease and probably results in its being communicated to females, 764-767—Circumstance of the Army and Navy Committee on Venereal Disease in 1864 having almost unanimously recommended periodical examination of soldiers, 770. 788, 789.

Question considered whether in the years 1875 to 1877 the average duration of primary sores was not longer at stations under the Acts than at stations not under the Acts; grounds for concluding that this was not so in other years, 772-782—Probable necessity for a periodical examination of the Guards as being stationed in London, 792, 793—Expected objection on the part of army surgeons to a regular system of periodical examination in the service, 794, 795. 810.

Inefficiency for active service of men who conceal syphilitic disease rather than go into hospital and forfeit pay, 797-801—Approval of the abolition of stoppage of pay as causing concealment of disease, 802-804—Various forms of disease which originate in syphilis, and for which diseases soldiers may be invalided, 805—Detection doubtless of any concealed disease by examining men on leaving protected stations, as well as by periodical examination, 806, 807. 810-812.

Uncertainty of habits of ablution as a protection against infection; different regulations in different regiments on this subject, 813-816. 863-869—Explanations with further reference to the relative inefficiency in protected and non-protected districts, 817-823—Further examination upon certain returns and statistics for periods before and since the Acts, and upon inferences therefrom that secondary syphilis has not decreased; considerable fall in the period 1870 to 1872 as compared with 1861 to 1863; 824-862.

Existence of examinations of the men in protected stations only, 870—Necessity of grouping protected stations on the one hand, and unprotected on the other, in order to arrive at a fair mean result as to the operation of the Acts, 871-875—Disturbance of the statistics by the occurrence of an epidemic in any year, such as small-pox, 876-380.

Explanation as to the non-examination of men on going into an unsubjected district, from a subjected district, and as to the allowance to be made for exported disease from the latter, as in the case of Aldershot, 881-902—Circumstance of many women coming from unprotected stations into the hospitals in stations under the Act, in order to be cured, 904-906—Grounds for concluding that diseased men do not propagate the disease in anything like the same ratio that diseased women do, 907-909.

[Second Examination.]—Entire dissent from the view that a primary sore is of little consequence; mischief when it leads to buboes, 910-922—Necessity of a primary infecting sore or primary syphilis, before secondary syphilis can ensue, 915-920. 1115-1119—Occurrence of buboes in about one-fourth or one-fifth of the cases of primary sores; this cannot be predicted at first, 623-628.

Limitation of witness' statistics and inferences as to the decrease of primary syphilis at protected stations to the period from 1861 to 1873; belief as to the reliability of the data and of the conclusions arrived at, 929-942. 975-982—Explanation as to London not being included in certain returns for the years 1860 to 1866, whilst it is included in the subsequent six years; this does not materially affect witness' calculations as to the valuable operation of the Acts in the protected districts, 943-973.

Evidence in further reference to witness' calculations as to the diminution of gonorrhœa cases through the application of the Acts; statement hereon as to his not having taken the same periods for these calculations as for those with respect to primary syphilis, 983-1055. 1097-1114—Examination as to the small diminution of gonorrhœa at protected stations in the period 1867 to 1873, as compared with 1861 to 1867; more satisfactory results shown for the years 1870 to 1873 as compared with 1860 to 1863; 992-1049. 1097-1114. 1218-1225—Explanation relative to the apparently large increase of gonorrhœa cases in the navy since the application of the Acts, 1050-1055.

Lawson, Robert. (Analysis of his Evidence)—continued.

Limited benefit likely to be produced by providing hospitals in the unprotected districts for the voluntary treatment of women; failure of efforts already made in this direction, 1056-1072. 1176-1184. 1203, 1204—Summary of witness' calculations as to the saving in the efficiency of the army, in respect of primary syphilis under the Acts, for the years 1870 to 1873; 1073-1089. 1189-1194—Similar summary as regards secondary syphilis, 1089-1096—Amount of saving also in respect of gonorrhœa, 1097-1114. 1195-1202.

Further statement as to the effect of primary sores, if neglected, in producing buboes, and in otherwise greatly impairing the efficiency of the army, 1115-1125—Concurrence of opinion among army surgeons strongly in favour of the Contagious Diseases Acts, 1126-1134—Diminution of primary syphilis in the years succeeding 1873, though in consequence of Lord Cardwell's Order the statistics for this period are not reliable, 1137-1159—Reference to the increase of venereal disease, in 1878, as partly owing to the calling out of the Reserves, 1137, 1138. 1298, 1299. 1309, 1310.

Obstacles to testing the effect of the Acts, as regards constitutional syphilis, subsequently to 1873; explanation on this point, 1148-1165—Large diminution of admissions to hospital upon the issue of Lord Cardwell's Order, 1155, 1156—Statement as to the Order not applying to secondary syphilis, 1157-1159. 1210-1213. 1232-1234. 1244-1246.

Data for concluding that, in the unprotected districts, there has been no decline of venereal disease, and that there would have been no decline in other districts but for the Acts, 1168-1175—Necessity of taking all the unprotected districts from the commencement, in order to institute a fair comparison with the protected districts, 1185-1186—Grounds for the conclusion that the proportion of gonorrhœa to syphilis is smaller in London than in other stations, 1187-1188.*

Belief as to there being no examinations of the men, as a rule, save when they first come to new stations, 1205-1209—Probable diminution of syphilis, in unprotected districts, if there were hospitals in them, as in protected districts; difficulty as to detention for a sufficient time, 1214-1217. 1303-1306—Much less saving under the Acts, as regards primary syphilis, by comparing the six years, 1867 to 1872, with the six years, 1861 to 1866, than by comparing the years 1870 to 1873 with 1860 to 1863; 1218-1225.

Instances of a high rate of venereal disease in regiments in which special care was taken to secure a low rate, 1226-1231—Prejudicial effect as regards the efficiency of the soldier, even when discharged from hospital after disease, 1235-1237—Mischievous consequences of gonorrhœa, especially if neglected, as regards the soldier's efficiency, 1238-1245.

Explanations with further reference to the characteristics and results of primary sores of different kinds; frequent mischief from soft sores, 1246-1256—Further statement as to the great fluctuation in the amount of disease in different regiments at Aldershot at the same time; probable causes thereof, 1257-1265—Advantage further attached to habits of abluion; difficulty in enforcing them, 1260-1265.

Recapitulation of the returns of primary syphilis in protected and unprotected districts respectively, showing, for each of the years 1874-78, a much smaller ratio in the former than in the latter, 1266-1283—Similar recapitulation, with similar results, as regards gonorrhœa, 1284-1297—Liability to an increased amount of gonorrhœa in regiments with many young soldiers, 1301, 1302.

Legislation. Necessity of special legislation for such diseases as syphilis and gonorrhœa, *Barr* 1833—Expediency of combining gonorrhœa with syphilis in any legislation for the latter; it would not be necessary to legislate for the former by itself, *Myers* 2616, 2617. 2639-2645.

Leucorrhœa. Characteristics of leucorrhœa in women; facility in distinguishing this disease from gonorrhœa, *Barr* 1809-1812.

Lock Hospitals. See *Hospitals.* *Voluntary System.*

LONDON:

Instances of the great evil caused by the venereal disease among the troops in London, so that witness urged repressive measures, such as the extension of the Contagious Diseases Acts to the metropolis, *Robinson* 2097-2099—Advocacy of extension of the Acts to London, though they might be applied only within certain distances of the barracks, *ib.* 2242, 2243. 2253-2255—Concurrence in Dr. Bond's views, in 1871, in favour of the partial extension of the Acts to London, *ib.* 2283-2288.

Illustration of the inadequacy of voluntary efforts for preventing abuse in connection with barracks in London, the women remaining out all night in a frightful state of disease, *Robinson* 2339-2345—Comment by witness, in his annual reports, upon the great mischief caused in recent years by the excess of syphilis in London; good grounds for his representations, *ib.* 2348-2350. 2353-2355. 2486-2489.

Way in which protection could be applied; that is, by a cordon round the several barracks, *Robinson* 2351-2353—Statement as to the prostitutes being generally found in proximity to the several barracks, *ib.* 2499-2501.

Report, 1879—continued.

LONDON—continued.

Belief that the disease is increasing in London; causes to which owing, *Myers* 2607, 2608, 2638, 2816-2820—Large diminution of disease among the soldiers if the Acts were applied within a certain radius of each barrack, *ib.* 2627, 2628, 2666, 2671—Expediency of clearly proving the great benefits of the Acts in such districts as Windsor before applying the Acts to London, *ib.* 2628-2630, 2827, 2828.

Several reasons for a larger ratio of disease in London than in Windsor, irrespective of the Acts, *Myers* 2665-2674—Empty hospitals in Windsor whilst they are crammed full in London, *ib.* 2809, 2816, 2931, 2932—Opinion that not only is disease increasing in London, but that it will continue to increase, *ib.* 2816, 2817, 2935, 2936.

Grounds for preferring an examination of the women to their exclusion from the vicinity of the barracks within a certain radius; difficulty of effectual exclusion in London, *Myers* 2821-2828, 2839-2856—Very little benefit by removing the women beyond a certain radius of the barracks; exceedingly degraded class of women in London who are soldiers' prostitutes, *ib.* 2840-2856.

Belief further expressed that the disease has not decreased in severity in London, *Myers* 2957-2961, 2981—Difficulty in extending to a large area any cordon round the barracks, *ib.* 3011, 3012.

Result of extensive practice that witness finds the disease in London just as severe and virulent as it was twenty years ago, *Bond* 3087-3098—Benefit by applying the Acts to certain districts in London with a view to subsequent extension to all trading prostitutes, *ib.* 3126-3133, 3141-3148.

See also *Coldstream Guards*. *Gonorrhœa*, 1. *Hospitals*.

M.

Marriage of Soldiers. Restrictions upon the marriage of soldiers, so that witness looks upon prostitutes as a necessary evil, whilst he considers that disease can best be guarded against by an examination of the women, *Myers* 2828-2839—Improvement if a larger proportion of the men could marry; advantage of the police on this score, *ib.* 3007-3010, 3017-3027.

Married Women (Wives of Soldiers). Prejudicial effect of the prevalence of disease in women formerly of loose character, but now married, or passing for married, *Barr* 1374-1376—Limited sense in which witness refers to married women as propagators of disease, *ib.* 1405.

Explanation that witness never intended in his previous evidence to cast the slightest slur on soldiers' wives, as a class, they being quite as respectable and well conducted as any other class of married women, *Barr* 1443-1464—Reference intended by witness solely to women not living as prostitutes, some of whom soldiers have married without leave, whilst others have been clandestine prostitutes and have become diseased; diminution of evil from these sources, *ib.* 1443, 1444, 1447-1464.

Mediate Contagion. Liability to disease by mediate contagion, *Barr* 1481-1483—Increased danger of mediate contagion when there is an excessive use of the same women, *ib.* 1627-1630.

Medical Examinations. See *Examinations*, &c.

Metropolitan Police. Very few cases of venereal disease in the metropolitan police; many cases are, however, concealed in fear of suspension of pay, *Bond* 3149-3159—Estimate of about one-half the men as being married, *ib.* 3160-3162—Statistics as to the number of venereal cases in the years 1875-78, *ib.* 3162.

Return showing the number of married and single men, respectively, serving at the end of the year 1878, *App.* 164.

Militia. Fresh access of loose women when the Militia are at Aldershot, *Barr* 1377, 1404.

Mitigation of Disease. Decided mitigation of venereal disease by the application of the Acts, *Barr* 1397—Modification under the Acts in the cases of disease sent to the London Hospital from Aldershot; much less severe character of these cases than of those on the voluntary side of the hospital, *ib.* 1774-1776—Milder character of the disease at Aldershot, except in the case of women who come from unprotected districts, *ib.* 1949-1951.

Less virulent character of the disease among women; loathsome cases some twenty years ago at Aldershot and Windsor, *Myers* 2609, 2621-2626.

Report, 1879—continued.

Muir, Sir William Mure, M.D., K.C.B. (Analysis of his Evidence.)—General supervision exercised by witness over the Army Medical Department, in his capacity as Director General, 1-4—Returns regularly made to witness under the Contagious Diseases Acts; reliable character of these, which are laid annually before Parliament, 5-8. 21-38. 48-51.

Experience formerly of witness as an army surgeon, down to the year 1858; doubt as to there having been any marked increase at this period in the prevalence of venereal disease among soldiers, 9-14—Reference to a certain return as showing, for the years 1860-63, the proportion of diseased men per 1,000 at fourteen stations subsequently brought under the first Act in 1864; considerable decrease of gonorrhœa cases in 1863 as compared with 1862; 15-26—Statistics of the proportion of primary cases and of gonorrhœa in each year from the passing of the Act of 1864 down to 1878; great decrease during this period, 27-30.

Explanation as to the mode in which the returns are made up by the surgeon in charge of each hospital, whether under the Contagious Diseases Acts or not, 31-38—Particulars relative to the ratio per 1,000 of primary venereal sores and of gonorrhœa in each of the years 1864-78, in districts not protected by the Acts; much larger ratio than in the protected stations, 39—Great excess of cases of primary sores constantly in hospital in the years 1870-78 in the non-protected districts, as compared with the protected districts, 39-42. 53.

Statement as to witness having no cognisance of the treatment of women under the Contagious Diseases Acts, 43-45—Inferences drawn by the statistical officers from the returns made to witness' department; conclusions as to the great value of the Acts in decreasing the cases of primary syphilis, and also of gonorrhœa, though to a smaller extent, 46-58.

Consideration in detail of the saving effected in the force of the army at home by reason of the operation of the Acts, 59-68. 89-96. 150-168—Reference to explanatory note as showing that the average saving for the five years 1868 to 1872 was, at the fourteen stations under the Acts, 190 men, and that the saving would probably have been 300 men if the fourteen stations not under the Acts had also been dealt with; that is, for primary venereal sores, 59-63. 89-96. 109-111. 150-164 (p. 15).

Disturbing effect, as regards the statistics, of the regulation in 1873, whereby men taken into hospital for syphilis, primary sores, or gonorrhœa, had the whole of their pay stopped, 69-73—Very little reduction of gonorrhœa cases till the year 1868, the chief reduction having been since 1873; statement hereon showing that the diminution was considerable at the unprotected as well as the protected stations, 74-88—Effect of calling out the Reserves in increasing the amount of disease in 1878; 84, 85—Import of diseased cases from unprotected into protected districts, the latter being credited with them, 88.

Difficulty on first admission to hospital in determining whether sores are syphilitic, 97, 98—Varying number of days for which men are incapacitated for service by each attack, 99-102—Stop put to the periodical examination of the men as being degrading to them and derogatory to the medical officers, 103-108. 112-119—Doubt as to these inspections having been of much value; disapproval of their being revived, 106. 113. 119. 327.

Great importance of the disease being made known in its early stages, so that it may be at once checked, 120-123—Conclusion as to the extensive concealment of the disease, in spite of the punishment by confinement to barracks for twenty-eight days, 124-128—Effect of the fear of stoppage of pay in inducing concealment, 129-134.

Great evil through the seeds of various other diseases being sown by venereal disease, 134-137—Practice as to stoppage of pay on re-admission of the same men to hospital; approval of stoppage only for concealment of the disease, 138, 139.

Reference to gonorrhœa as a local disease quite different from primary syphilis, 140—Examination showing that the Acts of 1866 and 1869 had for their object the suppression of gonorrhœa as well as syphilis, 141-149—Main object of the Acts to reduce the amount of constitutional syphilis, 169-172.

Consideration of objections to the classification, in the Army Medical Returns, under the respective heads of gonorrhœa and primary venereal sores; that is, through the latter being sometimes syphilitic and sometimes not syphilitic, 172-186—Examination upon certain statistics of the relative amount of primary venereal sores and of secondary syphilis in the whole home army in different years before and since the operation of the Contagious Diseases Acts, 187-228. 298, 299—Reference more especially to the admissions into hospital for secondary syphilis in each year since 1866; increase in the last four years owing to the operation of the order as to stoppage of pay, 219-237.

Doubt as there having been but little if any benefit as regards reduction of gonorrhœa in the years from 1868 to 1873; 238-246. 256, 257. 296, 297—Difficulty in accounting for the large and sudden fall in the number of gonorrhœa cases since 1873; reference hereon to Lord Cardwell's Order relative to stoppage of pay as having operated alike in the protected and the unprotected districts, 247-268—Explanation as to witness not being

Report, 1879—continued.

Muir, Sir William Mure, M.D., K.C.B. (Analysis of his Evidence)—continued.

being prepared to go into the question of disease among women, as not coming within his official cognisance, 269-277.

Statement as to men who come from unprotected districts into hospital in protected districts being shown in the returns on the strength of the protected districts, 276-282. 291. 293—Practice as to examination of all men coming into protected districts from unprotected districts, or from furlough; this regulation does not apply to the districts not under the Contagious Diseases Acts, 282-295—Effect of the foregoing regulation in restricting the disease among women in stations under the Acts, 293-295.

Inexperience of witness upon the question whether in the examination of women the existence of gonorrhœa may not escape detection, 300-307—Estimate of about one-third as the proportion of primary sores that are really syphilitic, 308-310. 370-372—Increase in the proportion of secondary to primary syphilis, owing probably to neglect of treatment, 311, 312. 335, 336.

Doubt as to the efficiency of the Acts being much impaired if gonorrhœa were struck out of them, 316-320—Much larger amount of gonorrhœa than of syphilis in the army, 321, 322—Effect of the former rather than the latter in incapacitating cavalry soldiers for duty, 323—Propagation of venereal disease among loose women when soldiers conceal the disease instead of entering hospital, 324-326. 333, 334—Probable check to the spread of disease if the periodical inspections had been continued, 327-334.

Stoppage of pay whilst in hospital for delirium tremens as well as for venereal disease, 339, 340—Returns received from protected stations in the Colonies, the results being shown in the papers presented to Parliament, 341-348—Explanation that the increased proportion of secondary syphilis applies to the stations generally, 349-355.

Congregation of prostitutes wherever there are young soldiers, and where there is money, 356-359—Decided approval of the compulsory examination of women and their treatment in Lock hospitals, 360, 361—Beneficial operation of the Acts as regards regiments returning from abroad, and going to protected districts, 362-366—Strong objection to any repeal of the Acts, 367-369.

Frequent instances of men having primary syphilis without being aware of it, the primary infection being moreover often concealed through fear of stoppage of pay, 375-377—Circumstance of witness having already strongly protested against the Royal Warrant as to stoppage of pay, 378-380—Witness is not aware that gonorrhœa has increased in the navy; men are often on duty with the disease upon them, 381-384.

Myers, Arthur, M.R.C.S.L. (Analysis of his Evidence.)—Has been surgeon of the Coldstream Guards for twenty years; was resident medical officer of the Lock Hospital for a year, 2504-2510.

Information in detail as to the amount of venereal disease in the battalion of the Coldstream Guards to which witness has been attached since 1859; 2511 *et seq.*—Estimate of from one-third to one-half of the men in hospital as suffering from venereal disease, 2515, 2516—Statistics supplied, and explanations thereon, relative to the number of cases in witness' battalion at Windsor, in each year from 1865 to 1878; conclusion as to the benefits realised when the Contagious Diseases Acts came into full operation, 2519-2566. 2576-2585.

Effect of Lord Cardwell's Order as to stoppage of pay in causing concealment of the disease, in the absence of a system of inspection, 2555, 2556. 2567—Regular inspection of the men in the Coldstream Guards, so that there can be no concealment of disease; efficiency and decency with which the inspection is conducted, 2556-2561. 2567-2569. 2578-2580—Totally distinct character of balanitis and of a primary sore, 2570-2575.

Statistics relative to the cases of disease in the Coldstream Guards in London, as compared with Windsor; much larger proportion in London, although the men are regularly inspected, 2584-2590. 2600-2604—Information as to the ratio of diseased cases in the Guards at Shorncliffe in 1876, 1877, and 1878; large import of cases, 2591-2599—Large proportion of imported cases in the returns for Windsor; practically the disease is stamped out in that station, 2599-2604. 2636-2638.

Importance of an examination of the men as well as the women, 2605—Better class of men in the Guards than in the Line, 2606—Belief that the disease is increasing in London; causes to which owing, 2607, 2608. 2638. 2816-2820—Less virulent character of the disease among women; loathsome cases some twenty years ago at Aldershot and Windsor, 2609. 2621-2626—Tendency to increase of disease through the larger number of very young men under the short service system, 2609. 2829-2832.

Difference of opinion among medical authorities as to the unity or duality of the syphilitic poison; great majority of the more eminent authorities (with whom witness concurs), who hold the view as to the unity of the disease, 2610-2615. 2864-2873. 2895-2901—Unanimity of opinion as to gonorrhœa not being a matter of constitutional

Myers, Arthur, M.R.C.S.L. (Analysis of his Evidence)—continued.

disease, 2615, 2616—Expediency of combining gonorrhœa with syphilis in any legislation for the latter; it would not be necessary to legislate for the former by itself, 2616, 2617. 2639-2645.

Entire want of discrimination among soldiers, when dissolute and semi-intoxicated, as to the prostitutes with whom they associate, whether diseased or not; grounds for this statement, 2618-2621. 2857-2863—Large diminution of disease among soldiers in London if the Contagious Diseases Acts were applied within a certain radius of each barrack, 2627, 2628. 2666. 2671.

Expediency of clearly proving the great benefits of the Acts in such districts as Windsor, before extending the Acts to London, 2628-2630. 2827, 2828—Statement as to soldiers' prostitutes being a defined and well-known class; belief that they could be easily identified for separate treatment under the Acts, 2631-2635. 2821-2826.

Consideration of objections to witness' conclusions as to the proof afforded of the very beneficial operation of the Acts in the case of Windsor; reiteration of former views on this point, 2646 *et seq.*—Illustration in the case of Warley of the liability of statistics to be deceptive, 2656-2664—Several reasons for a larger ratio of disease in London than in Windsor, irrespective of the Contagious Diseases Acts, 2665-2674.

Consideration of the relative amount of disease at Windsor in the several years 1867 to 1870; special causes of the low amount of disease in the Coldstream Guards in 1867, before the application of the Acts, 2675-2694—Explanation as regards the very low amount of primary sores in the Scots Guards at Windsor in 1867, that this was partly due to the exclusion of the men from certain brothels and partly to the temporary discontinuance of the examination of the men in that year, 2694-2719—Regular examination of the Coldstream Guards at Windsor in 1868; 2702-2706.

Reference to a statement that from 1867 to 1878 the average of primary sores at several unsubjected stations was less than at Windsor, 2720-2722. 2809—Grounds for the conclusion that a large proportion of the cases of primary sores at Windsor are imported from other districts, 2723-2730—Less disease accordingly as there are fewer brothels and prostitutes; mischief on the other hand if with a reduced number of women there were the same indulgences on the part of the men, 2729-2738. 2761-2777.

Large reduction of disease at Windsor in 1870 owing partly to the suppression of a considerable number of brothels in the previous year, 2731-2735. 2778-2780—Consideration of the question whether it would not be better, on hygienic grounds, to control the number of low-class and diseased prostitutes, and to exclude this class from the vicinity of barracks, than to apply compulsory examination under the Contagious Diseases Acts, 2736-2780—Doubt as to the sufficiency of police powers under certain Acts for preventing the evils in question, 2748-2760. 2778-2780. 3047-3054.

Concurrence in Dr. Parkes' views as to the effect of recruiting upon the amount of disease in the Army in certain years, 2781-2790. 2904-2914—Examination as to the practice of inspection in the case of men going into subjected and unsubjected districts, respectively, and as to the effect upon the statistics of hospital cases in each class of district, 2791-2809.

Empty hospitals at Windsor whilst they are crammed full in London, 2809. 2816. 2931, 2932—Treatment in hospital at Windsor of all cases of primary syphilis and of gonorrhœa, 2810, 2811—Belief that there is an inspecting medical officer at Windsor by whom women are examined, 2812-2815—Opinion that not only is disease increasing in London but that it will continue to increase, 2816, 2817. 2935, 2936.

Grounds for preferring an examination of the women to their exclusion from the vicinity of the barracks within a certain radius; difficulty of effectual exclusion in London, 2821-2828. 2839-2856—Restrictions upon the marriage of soldiers, so that witness looks upon prostitutes as a necessary evil, whilst he considers that disease can best be guarded against by an examination of the women, 2828-2839—Very little benefit in London by removing the women beyond a certain radius of the barracks; exceedingly degraded class of women in London who are soldiers' prostitutes, 2840-2856.

Further statement as to the impossibility of declaring by an early examination of primary sores whether they will produce constitutional symptoms, 2874-2880—Grounds upon which it was decided to discontinue the returns issued in 1869, purporting to divide the venereal sore into two kinds, namely, primary sore and local venereal sore; obstacles to any satisfactory separation, 2880-2894.

Effect of the Acts in causing a diminution of solicitation on the part of the women, and of sexual intercourse on the part of the men, 2902, 2903—Large increase of the army at home between 1866 and 1872, so that but for the Contagious Diseases Acts a corresponding increase of venereal disease would have ensued; important diminution however in those districts where the Acts were applied, 2912-2923—Necessity of excluding

Report, 1879—continued.

Myers, Arthur, M.R.C.S.L. (Analysis of his Evidence)—continued.

excluding imported cases in order to show the working of the Acts in any protected district, 2924.

Value of the periodical examinations in the Guards in preventing concealment of disease, 2925, 2926—Belief that these examinations have no effect whatever as regards recruiting, 2928—Facility and rapidity with which the examinations are conducted, 2929—Recent illustration of the prevalence of disease in men going to Aldershot from an unprotected district as compared with the absence of disease in men going from a protected district, 2930—Great contrast between the present and former state of the hospital at Windsor as regards venereal cases, 2931–2934.

Grounds for the conclusion that whilst the type of the disease has been less severe at Windsor since the application of the Acts there has been no diminution in its severity in unprotected districts, 2935–2944—Statement showing that a considerable number of eminent physicians and surgeons, including Mr. Skey, have strongly objected to any repeal of the Acts, and have testified to the large reduction of disease through their operation; examination hereon, 2940–2944. 2969–2972.

Grounds for concluding that secondary disease has been reduced in the Coldstream Guards through the application of the Acts; difficulty in proving this statistically, 2945, 2946—Several causes of the increase of gonorrhœa in the army during the last two years, 2947, 2948—Lamentable effects of hereditary syphilis, 2949.

Hard work of Guards' recruits at Warley during the day, so that they are less likely to go into excess at night, 2953–2956—Belief further expressed that the disease has not decreased in severity in London, 2957–2961. 2981—Further consideration of witness' data for the conclusion that the number of young soldiers or recruits greatly influences the amount of disease, 2962–2968.

Exception taken to certain statistics purporting to show a large decrease of secondary syphilis in the years 1861 to 1866; important diminution in the years 1865 to 1872 as compared with 1860 to 1864; 2972–2980—Unreliable character of a certain return of Dr. Bell Taylor with reference to secondary syphilis; that is, as regards protected districts, 2972–2979. 3055–3061—Consideration of a statement to the effect that at fourteen stations not under the Acts the ratio of primary syphilis is less than at Windsor, 2982–2989. 3013. 3031–3040—Doubt as to the subsequent career of prostitutes driven from Windsor by the operation of the Acts, 2992–2995.

Importance attached to the statistics as between Windsor and London; further statement hereon as to the excessive disease formerly at Windsor and the great diminution under the Acts, 2996–2999. 3028–3030. 3035–3046—Much less disease in the cavalry than in the Guards; causes thereof, 2999–3005. 3014–3018. 3083, 3084—Advantage if the men were better paid, and if recruits were a more respectable class, 3005, 3006—Improvement if a larger proportion of the men could marry; advantage of the police on this score, 3007–3010. 3017–3027—Difficulty in extending to a large area any cordon round the barracks in London, 3011, 3012.

Further statement as to soldiers' prostitutes being at present a necessary evil, 3047–3052—Decided opinion that the Acts have been most beneficial in their operation, and that their repeal would tend to an increase of disease in the army, 3062–3064—Practicability of keeping prostitutes at a distance from camps, this not applying to large barracks or fixed garrisons, 3065–3082.

N.

Navy. Witness is not aware that gonorrhœa has increased in the navy; men are often on duty with the disease upon them, *Sir W. M. Muir* 381–384—Explanation relative to the apparently large increase of gonorrhœa cases in the navy since the application of the Acts, *Lawson* 1050–1055.

Regulations in force for the management of Lock Hospitals under the Admiralty, *App.* 174–178.

Confidential instructions for visiting surgeons of the Lock Hospitals under the Admiralty, *App.* 176, 177.

Regulations respecting periodical medical examination, in the Admiralty Lock Hospitals, *App.* 177, 178—Provisions as to relief from periodical examination, *ib.* 178.

Number or Supply of Prostitutes. Congregation of prostitutes wherever there are young soldiers, and where there is money, *Sir W. M. Muir* 356–359—Less disease accordingly, as there are fewer brothels and prostitutes; mischief, on the other hand, if, with a reduced number of prostitutes, there were the same amount of sexual indulgence on the part of the men, *Myers* 2729–2738. 27612777.

323.

D D

Consideration

Report, 1879—continued.

Number, &c. of Prostitutes—continued.

Consideration of the question whether it would not be better, on hygienic grounds, to control the number of low class and diseased prostitutes, and to exclude this class from the vicinity of barracks, than to apply compulsory examination under the Contagious Diseases Acts, *Myers* 2736-2780—Further statement as to soldiers' prostitutes being at present a necessary evil, *ib.* 3047-3052.

See also *Aldershot*, 3. *Clandestine Prostitution.*

O.

Officers. Objection to officers being liable to medical examination in reference to venereal disease, *Barr* 1829, 1830.

P.

Paris. Great improbability of any such extensive evasion of examination by women at Aldershot as is the case at Paris, *Barr* 1898-1902.

Penal Clause. Check to the spread of disease if punishment was applied to any one having intercourse in a diseased state, *Barr* 1659, 1875.

Periodical Examinations. See *Examinations, &c.*

Phagedena. Very mischievous consequences at times when phagedena or mortification results from soft sores, *Lawson* 1253-1255—Development of phagedena in men of the Guards as a result of neglected venereal disease, *Robinson* 2339.

Police. Care taken by the police at Aldershot in giving notice to the women that they have subjected themselves to the Acts, *Barr* 1352—Doubt as to the sufficiency of police powers under certain Acts for preventing the evils in question. *Myers* 2748-2760, 2778-2780, 3047-3054.—See also *Metropolitan Police*,

Portsmouth and Gosport Hospital. Regulation for the management and government of the lock wards in the Royal Portsmouth, Portsea, and Gosport Hospital, under the provisions of the Contagious Diseases Acts, *App.* 175, 176.

PRIMARY SORES (VENEREAL DISEASE):

Difficulty on first admission to hospital in determining whether sores are syphilitic, *Sir W. M. Muir* 97, 98—Estimate of about one-third as the proportion of primary sores that are really syphilitic, *ib.* 308-310, 370-372—Frequent instances of men having primary syphilis without being aware of it, the primary infection being moreover often concealed through fear of stoppage of pay, *ib.* 373-377.

Statement showing that in 1860 the proportion of diseased men was 146 per 1,000 in fourteen stations since placed under the Contagious Diseases Acts, and 133 per 1,000 in stations still not under the Acts; that is, for primary sores only, *Lawson* 419-425—Great decrease in 1866, in which year the proportion of diseased cases had fallen to eighty-seven per 1,000 in the fourteen protected stations, and to ninety-eight per 1,000 in the unprotected stations, *ib.* 426-430—State of the disease in the two classes of stations in 1867 and 1871; considerable decrease in 1871, especially as regards protected stations, *ib.* 431-435.

Similar amount of primary venereal sores at stations not under the Acts in the two periods of six years from 1861 to 1866 and from 1867 to 1872; average of about 114 per 1,000, *Lawson* 442, 443, 462—Average of about 109 per 1,000 in the years 1861 to 1866 at fourteen stations that came under the Acts, the average having fallen to sixty-five per 1,000 in the years 1867 to 1872, *ib.* 449-452.

Comparative decrease of disease in the years 1870 to 1873, as compared with the years 1860 to 1863, in the two classes of stations; very large diminution at the stations which came under the Acts, *Lawson* 453-461—Absence of diminution over a series of years before the Acts came into operation, *ib.* 462.

Entire dissent from the view that a primary sore is of little consequence; mischief when it leads to buboes, *Lawson* 910-922—Limitation of witness' statistics and inferences as to the decrease of primary syphilis at protected stations to the period from 1861 to 1873; belief as to the reliability of the data and of the conclusions drawn, *ib.* 929-942, 975-982.

Diminution of primary syphilis in the years succeeding 1873, though in consequence of the order as to stoppage of pay in hospital the statistics for this period are not reliable, *Lawson* 1137-1159—Much less saving under the Acts, as regards primary syphilis, by comparing the six years 1867 to 1872 with the six years 1861 to 1866, than by comparing the years 1870 to 1873 with the years 1860 to 1863, *ib.* 1218-1225.

Explanations

Report, 1879—continued.

PRIMARY SORES (VENEREAL DISEASE)—continued.

Explanations with further reference to the characteristics and results of primary sores of different kinds; frequent mischief from soft sores, *Lawson* 1246-1256.

Recapitulation of the returns of primary syphilis in protected and unprotected districts, respectively, showing for each of the years 1874 to 1878, a much smaller ratio in the former than in the latter, *Lawson* 1266-1283.

Consideration of the characteristics and effects of different kinds of sores; conclusion as to soft or infecting sores in women being always followed by secondary symptoms, *Barr* 1734-1754. 1763-1767—Dreadful consequences sometimes produced by soft sores, *ib.* 1743-1745.

Explanation as regards soft sores, to the effect that a medical man could not, on examining them, say positively that constitutional syphilis would not result, *Robinson* 2224-2239. 2256-2263—Admission of all cases of primary sores into hospital where they are detained until it is seen that secondary syphilis does not ensue, *ib.* 2495-2248—Witness cannot admit that a primary sore is of no consequence, *ib.* 2497, 2498.

Statement as to the impossibility of declaring by an early examination of primary sores, whether they will produce constitutional symptoms, *Myers* 2874-2880—Majority of eminent authorities who hold the view as to the unity of the disease, *ib.* 2610-2615. 2864-2873. 2896-2901.

Difficulty in readily distinguishing between syphilitic and non-syphilitic sores; about one-third are syphilitic, *Bond* 3115-3122.

Extract from Army Medical Department Report for 1878, showing the admissions for primary venereal sores at certain large stations in the United Kingdom, and the rates per 1,000 of the annual average strength, *App.* 155.

Rate of admission into hospital per 1,000 of mean strength in each of the years 1867-78, *App.* 156.

Large proportion in hospital in 1867-78 at stations not under the Act, as compared with the fourteen stations under the Act, *App.* 156.

Tables showing the admissions into hospital for primary venereal sores at twenty-eight stations in each year from 1860 to 1878, inclusive, distinguishing between stations under the Act and stations not under the Act, *App.* 157.

Tables showing the number of men always in hospital at twenty-eight stations in each of the years 1870-78; result that the proportion at stations under the Act is less than half that at stations not under the Act, *App.* 158.

Paper submitted by Mr. Lawson showing the admissions into hospital among the troops at stations in the United Kingdom never under the Acts, in each of the years 1860-66, *App.* 159.

See also Acts of 1866 and 1869. *Aldershot. Concealment of Disease. Detection of Disease. Duration (Primary Sores). Efficiency of the Army. Examinations. Extension of Acts. Fluctuation of Disease. Returns and Statistics. Scots Guards. Secondary Syphilis. Stoppage of Pay. Treatment. Unprotected Districts. Windsor.*

Propagation of Disease. Grounds for concluding that diseased men do not propagate the disease in anything like the same ratio that diseased women do, *Lawson* 907-909.

Approval of some punishment of men known to be propagators of disease, *Barr* 1659. 1875—Very small propagation of disease by men as compared with women, *ib.* 1687, 1688.

Further consideration of the relative extent to which venereal disease is likely to be spread by men and by women, *Barr* 3014-2028.

Prostitutes. See the Headings generally throughout the Index.

R.

Re-admissions to Hospital. Continued large proportion of re-admission of the same women to hospital at Aldershot, *Barr* 1366, 1367.

Re-appointment of Committee. Recommendation that the Committee be re-appointed in the next Session in order to complete the inquiry, *Rep.* iii.

Reclamation of Prostitutes. Particulars as to the ultimate disposal or destination of the women who have been under periodical examination at Aldershot; considerable number placed in reformatories or restored to their friends, *Barr* 1394, 1395—Reclamation of many of the women through hospital influences and voluntary agencies, *ib.* 1512. 1514. 1768. 1999, 2000—Large proportion of the women who take pleasure in the life they lead, and are slow to abandon it, *ib.* 1556-1558. 1616.

Report, 1879—continued.

Reclamation of Prostitutes—continued.

Advice given and aid offered at the Aldershot Hospital with a view to reclamation, *Barr* 1784. 1896—Instances of the great difficulty of weaning women from a life of prostitution, *ib.* 1894-1896.

Importance of precautionary measures, as under the Acts, in connection with the reclamation of fallen women, *Robinson* 2094. 2338, 2339.

Recruits. Inferior physique of recruits in recent years, so that they are the less able to resist the disease, *Robinson* 2097—More injurious effects of the disease through the inferior physique of the men, as compared with former years, *ib.* 2358-2360. 2366.

Concurrence in Dr. Parkes' views as to the effect of recruiting upon the amount of disease in the army in certain years, *Myers* 2781-2790. 2904-2914—Belief that the periodical examinations of the men have no effect whatever as regards recruiting, *ib.* 2928.

Further consideration of witness' data for the conclusion that the number of young soldiers or recruits greatly influences the amount of disease, *Myers* 2962-2968—Advantage if the men were better paid and if recruits were a more respectable class, *ib.* 3005, 3006.

Repeal of Acts. See *Acts of 1866 and 1869.*

Reserves. Effect of calling out the Reserves in increasing the amount of disease in 1878, *Sir W. M. Muir* 84, 85—Reference to the increase of venereal disease in 1878 as partly owing to the calling out of the Reserves, *Lawson* 1137, 1138. 1298, 1299. 1309, 1310.

Returns and Statistics (Venereal Disease). Returns regularly made to witness under the Contagious Diseases Acts; reliable character of the statistics of disease comprised in these returns, which are laid annually before Parliament, *Sir W. M. Muir* 5-8. 31-38. 48-51.

Reference to a certain return as showing for the years 1860-63 the proportion of diseased men per 1,000 at fourteen stations subsequently brought under the first Act in 1864; considerable increase of gonorrhœa cases in 1863 as compared with 1862, *Sir W. M. Muir* 15-26—Statistics of the proportion of primary cases and of gonorrhœa in each year from 1864 to 1878; great decrease during this period, *ib.* 27-30.

Explanation as to the mode in which the returns are made up by the surgeon in charge of each hospital, whether under the Contagious Diseases Acts or not, *Sir W. M. Muir* 31-38—Inferences drawn by the Statistical officers from the returns made to witness' department; conclusions as to the great value of the Acts in decreasing the cases of primary syphilis, and also of gonorrhœa, though to a smaller extent, *ib.* 46-58.

Consideration of objections to the classification, in the Army Medical Returns, under the respective heads of gonorrhœa and primary venereal sores; that is, through the latter being sometimes syphilitic and sometimes not syphilitic, *Sir W. M. Muir* 172-186.

Examination upon certain statistics of the relative amount of primary venereal sores and of secondary syphilis in the whole home army in different years before and since the operation of the Acts, *Sir W. M. Muir* 187-228. 298, 299—Statement as to men who come from unprotected districts into hospital in protected districts being shown in the returns on the strength of the latter, *ib.* 276-282. 291. 293.

Returns as to the amount of disease in the whole army in the years 1864 to 1869; explanation as regards 1866, that this was a year of minimum disease though protection was then in only partial operation, *Lawson* 661-684—Liability to deception in drawing conclusions from the amount of disease among small bodies of men for short periods of time, *ib.* 736-738.

Necessity of grouping protected stations on the one hand and unprotected on the other, in order to arrive at a fair mean result as to the operation of the Acts, *Lawson* 871-875.

Explanation as to London not being included in certain returns for the years 1860-66, whilst it is included in the subsequent six years; this does not materially affect witness' calculations as to the valuable operation of the Acts in the protected districts, *Lawson* 943-973.

Data for concluding that in the unprotected districts there has been no decline of venereal disease, and that there would have been no decline in other districts but for the Acts, *Lawson* 1168-1175—Necessity of taking all the unprotected districts from the commencement, in order to institute a fair comparison with the protected districts, *ib.* 1185, 1186.

Respect in which returns in the Army Medical Report are misleading as to the statistics of force and of disease, *Barr* 2029-2031.

Grounds upon which it was decided to discontinue the returns issued in 1869 purporting to divide the venereal sore into two kinds, namely, primary sore and local venereal sore; obstacles to any satisfactory separation, *Robinson* 2212-2223. 2377-2383; *Myers* 2880-

Report, 1879—continued.

Returns and Statistics (Venereal Diseases)—continued.

2894—Amelioration shown in the protected districts by the returns since 1873, though rendered less trustworthy through the order as to stoppage of pay in hospital, *Robinson* 2264, 2265.

See also *Gonorrhœa. Secondary Syphilis. Stoppage of Pay.*

Robinson, Surgeon Major Frederick, M.D., F.R.C.P. (Analysis of his Evidence.)—Long experience of witness in the Army Medical Service; he is now Surgeon Major of the Scots Guards, 2062–2064—Prevalence of venereal disease in the regiment, when witness was first transferred to it from the line; continued prevalence, so that when in 1857 he became battalion surgeon he made a representation to the authorities with a view to the adoption of precautionary measures, 2065–2071.

Severity of the disease in witness' battalion at Windsor down to the time of the application of the Contagious Diseases Act in 1868; 2067, 2078. 2072–2078—Amelioration at Windsor in 1867 through the regimental authorities having prevented the men obtaining access to a noted brothel in the town, 2079–2081. 2086—Decided benefit experienced at Windsor from the application of the Act; prejudicial result on the other hand when witness' battalion returned to London, as not being subjected to the operation of the Act, 2082–2093.

[Second Examination.]—Reference to the loss to the country from the prevalence of the disease among soldiers as one motive which induced witness to ask for preventive measures in 1857; 2094—Experience of witness in former years as to the grave consequences of syphilis among soldiers of the line, as at large garrison towns in Ireland, 2095. 2097. 2100–2102—Injurious effect upon the children of men who marry before they are cured of the disease, 2095—Importance also of precautionary measures in connection with the reclamation of fallen women, *ib.*

Proposal by witness in 1857 for the establishment of Lock Hospitals on the voluntary principle; result of subsequent experience that coercive measures seem to be necessary, 2095–2097. 2104—Instances of the great evil caused by the disease in London, so that witness urged expressive measures, such as the extension of the Contagious Diseases Acts to the metropolis, 2097–2099.

Practice as to the medical examination of the men in the Scots Guards with reference to the existence of venereal disease; much better manner in which conducted than in the case of line regiments, 2105–2107. 2117–2120—Great importance attached to a regular examination, both in the protected and unprotected districts, 2107–2111—Conclusion as to the necessity of applying the Contagious Diseases Acts in all garrison towns, 2111–2113. 2123, 2124.

Consideration of the effects of Lord Cardwell's order, stopping the pay of men confined to hospital through fault of their own; suspension of the order as regards witness' regiment within the last three months, 2114–2118. 2131–2143.

Great difficulty as to concealment of disease if there were a regular inspection of the men, 2116. 2134–2139—Grounds for the statement that the Lock wards in the hospitals are not much attended under the voluntary system, 2125–2130.

Examination as to certain returns and statistics respecting the relative per-centage of disease at Windsor and in London in different periods, 2144–2180—Further reference to the diminution of disease at Windsor in 1867 owing to prevention of access to a brothel there, 2148–2152. 2371–2376—Increased proportion of diseased cases in garrison towns where there are large city populations, such as London, Sheffield, Manchester and Dublin, 2175–2183.

Examination upon the question whether the diminution of disease at Windsor in 1868 and following years was not due to other causes than the operation of the Contagious Diseases Acts; grounds for maintaining that the improvement was mainly or entirely due to the Acts, 2184–2211—Statement as to the discontinuance of the former classification of venereal sores under the heads of infecting and non-infecting; objection to such classification, 2212–2223.

Results of witness' professional experience that constitutional syphilis in soldiers sometimes ensues from soft sore, though less frequently than from indurated or hard sore; difficulty in stating the relative proportion of cases from the two kinds of sore, 2224–2239—Indirect as well as direct consequences of syphilis in the army, so that witness would extend the Acts to all military stations, 2240, 2241. 2250, 2251.

Advocacy of the extension of the Acts to London, though they might be applied only within certain distances of the barracks, 2242, 2243. 2253–2255.—Obstacles and objections which militate against the application of the Acts to the country at large, though witness submits they should be applied to London, Sheffield, Manchester, and to garrison towns generally, 2244–2252.

Further statement as regards soft sores to the effect that a medical man could not, on examining them, say positively that constitutional syphilis would not result, 2256–2263—Amelioration shown in the protected districts by the returns since 1873; 2264, 2265—Recent date of the suspension of the order as to stoppage of pay in the Guards, 2266.

Robinson, Surgeon Major Frederick, M.D., F.R.C.P. (Analysis of his Evidence)—continued.

Inference as to the benefit from applying the Acts, when so much good can be effected by the suppression of a brothel, as at Windsor in 1867; 2267, 2268—Contrast between the relative number of cases of venereal disease in the Scots Guards in hospital in London and in Windsor; almost total absence of syphilis and gonorrhœa at Windsor for three months in 1878, except important cases, 2269–2272—Considerable proportion of the invalids discharged from the Scots Guards, whose constitutions have been impaired directly or indirectly by syphilis, 2273–2275.

Further reference to the voluntary system as not effectual in its application to women, 2276—Value of Shorncliffe and Windsor as sanatoria for men greatly reduced by the ravages of the disease, 2277, 2278—Serious extent to which the efficiency of the Scots Guards for active service would be impaired but for the Acts; illustration at the time of the hostile feeling between Russia and England in 1878; 2278. 2289–2291. 2297–2301.

Instances of men marrying with constitutional disease not thoroughly cured, so that it is propagated to their children, 2279, 2280. 2326, 2327—Belief that the Act does not increase prostitution in the protected districts, 2281, 2282—Concurrence in Dr. Bond's views in 1871 in favour of the partial extension of the Acts to London, 2283–2288.

Reference to the discontinuance and subsequent resumption of periodical inspections in the Scots Guards, 2292–2294. 2302–2306—Approval of such inspections if conducted with proper decency and privacy; much less necessity thereby for inspection of women, 2295, 2296—Statement as to the Guards' hospitals not being under the control of the Army Medical Department, and being managed by the officers, by whom they were built, 2305–2311.

Very small per-centage of syphilis in the battalions of Guards when at Shorncliffe, 2312–2314—Diminished amount of disease at Windsor adverted to in reference to the area of the district protected, 2315–2321—Other causes besides syphilis to which chest disease in soldiers is attributable, 2322–2325.

Extensive prevalence of the disease at Limerick and other garrison towns in Ireland not under the Acts, 2328—Considerable decrease in some years at stations not protected, 2329, 2330—Reference to Dublin as one of the worst garrison towns in the matter of syphilis, 2331—Circumstance of there being still less disease at some unprotected stations, such as Warley, Hounslow, and the Isle of Wight, than at Windsor, 2332–2337.

Value further attached to the Acts as a means towards the reclamation of fallen women, 2338, 2339—Illustration of the inadequacy of voluntary efforts for preventing abuse in connection with barracks in London, the women remaining out all night in a frightful state of disease, 2339–2345—Insufficiency of voluntary efforts in Ireland for the reclamation of fallen women, 2347.

Comment by witness in his annual reports upon the great mischief caused in recent years by the excess of syphilis in London; good grounds for his representations, 2348–2350. 2353–2355—Way in which protection could be applied in London; that is, by a cordon round the several barracks, 2351–2353—Crowded state of the Guards' hospitals in London through the increase of syphilis, 2354, 2355. 2486–2489—Result of experience that cures are effected best where the men can be in the open air, as at Shorncliffe, 2356–2358.

More injurious effects of the disease through the inferior physique of the men as compared with former years, 2358–2360. 2366—Question considered as to the cause of the less ratio of disease in the Household Cavalry than in the Guards, 2361–2370—Further reference to the change made in the form of the medical returns; that is, in connection with the distinction between hard and soft sores, 2377–2383.

Examination in reply to certain representations at variance with witness' view, that the much less amount of venereal disease at Windsor than in London since 1868, is attributable to the application of the Contagious Diseases Acts to the former place, 2384–2442—Circumstance of there not being any separate return of the cases at Windsor before 1868; in witness' recollection there was, however, a great extent of syphilis there in former years, 2390–2398. 2412–2421.

Less proportion of disease apparently at Hounslow than at Windsor since 1867; 2399–2407—Statement as regards periodical inspections to the effect that they were not regularly carried out in the Scots Guards at Windsor between 1868 and 1875, though they were resumed under the Contagious Diseases Acts in the former year, 2422–2442. 2465–2482—Arrangement between the commanding officer of the Guards and the surgeon major as to the carrying out of inspections, 2435, 2436.

Consideration of the grounds upon which witness calculated that in the case of the Scots Guards there were forty-five per 1,000 in hospital at Windsor between 1853 and 1867; much smaller ratio apparently at all the unprotected stations between 1868 and 1872; 2443–2456—Further evidence as to the large proportion of men in the Guards unfit for service through venereal disease, directly or indirectly, 2450–2464.

Impression

Report, 1879—continued.

Robinson, Surgeon Major Frederick, M.D., F.R.C.P. (Analysis of his Evidence)—contd.

Impression (found to be erroneous) as to the examination of the men being enforced by the Acts; initiative of witness in the matter, as he held that inspections should be made in both protected and unprotected districts, 2471-2482—Regulation as to the examination of the Guards on coming to London from Aldershot or on arriving at Windsor from London, 2490-2494.

Admission of all cases of primary sores into hospital, where they are detained until it is seen that secondary syphilis does not ensue, 2495-2498—Statement as to the prostitutes in London being generally found in proximity to the several barracks, 2499-2501.

S.

Scots Guards. Prevalence of venereal disease in the regiment in former years, so that when, in 1857, witness became battalion surgeon, he made a representation to the authorities, with a view to the adoption of precautionary measures, *Robinson* 2065-2071—Severity of the disease in witness' battalion at Windsor down to the time of the application of the Contagious Diseases Acts in 1868, *ib.* 2067, 2068. 2072-2078.

Great benefit experienced at Windsor from the application of the Act; prejudicial result, on the other hand, when witness' battalion returned to London, as not being subjected to the operation of the Act, *Robinson* 2082-2093—Contrast between the relative number of cases of venereal disease in hospital in London and in Windsor; almost total absence of syphilis and gonorrhœa at Windsor for three months in 1878, except imported cases, *ib.* 2269-2272.

Considerable proportion of the invalids discharged from the Scots Guards whose constitutions have been impaired, directly or indirectly, by syphilis, *Robinson* 2273-2275—Serious extent to which the efficiency of the regiment for active service would be impaired but for the Acts; illustration at the time of the hostile feeling between Russia and England in 1878, *ib.* 2278. 2289-2291. 2297-2301—Reference to the discontinuance and subsequent resumption of periodical inspections, *ib.* 2292-2294. 2302-2306.

Further statement as regards periodical inspections to the effect that they were not regularly carried out in the Scots Guards at Windsor between 1868 and 1878, though they were resumed under the Contagious Diseases Acts in the former year, *Robinson* 2422-2442. 2465-2482.

Consideration of the grounds upon which witness calculated that there were forty-five per 1,000 in hospital at Windsor between 1853 and 1867; much smaller ratio apparently at all the unprotected stations between 1868 and 1872, *Robinson* 2443-2456.

Further evidence as to the large proportion of men unfit for service through venereal disease, directly or indirectly, *Robinson* 2450-2464.

Explanation as regards the very low amount of primary cases at Windsor in 1867; that this was partly due to the exclusion of the men from certain brothels and partly to the temporary discontinuance of the examination of the men in that year, *Myers* 2694-2719.

Return, submitted by Dr. Robinson, showing the admissions into hospital at Windsor for primary syphilis and gonorrhœa for different periods, from 1864 to 1878, *App.* 162.

Further return, submitted by Dr. Robinson, showing, as regards the first battalion, the admissions for primary syphilis and gonorrhœa, for three months in 1878, a corresponding period in 1879, and for the first six months in 1879, with the annual ratio per 1,000, *App.* 163.

See also *Windsor*.

SECONDARY SYPHILIS:

Explanations in connection with the admissions into the hospitals for secondary syphilis in each year since 1866; increase in the last four years owing to the operation of the order as to stoppage of pay, *Sir W. M. Muir* 219-237—Increase in the proportion of secondary to primary syphilis, owing probably to neglect of treatment, *ib.* 311, 312. 335, 336.

Explanation that the increased proportion of secondary syphilis applies to the stations generally, and is not shown separately for the protected districts, *Sir W. M. Muir* 349-356.

Examination in detail upon the question as to the relative increase or decrease of primary sores and of secondary syphilis in different periods previously to and since the enforcement of the Acts, *Lawson* 419 *et seq.*; 572 *et seq.*

Statistics as regards syphilis in the whole army, and the proportion of primary and secondary cases in the period from 1873 to 1878; large increase in the per-centage of secondary syphilis in the latter period, and causes to which owing, *Lawson* 463-472—

SECONDARY SYPHILIS—continued.

Similar proportion of cures of secondary syphilis in the army from 1873 to 1878 as from 1867 to 1872, there being no stoppage of pay for concealment of secondary symptoms, *Lawson* 483-495.

Data for the conclusion that on the whole there has been a decided reduction through the operation of the Acts, *Lawson* 572 *et seq*—Consideration of the circumstance of there having been almost a continuous fall in the disease in the army in the years 1860-63, according to the Army Medical Report for 1877; dissent from the view that this decrease would have continued without any Contagious Diseases Act, *ib.* 624-660—Further examination upon certain returns and statistics for periods before and since the Acts, and upon inferences therefrom that secondary syphilis has not decreased; considerable fall in the period 1870-72 as compared with 1861-63, *ib.* 824-862.

Necessity of a primary infecting sore or primary syphilis before secondary syphilis can ensue, *Lawson* 915-920. 1115-1119—Obstacles to testing the effect of the Acts as regards constitutional syphilis subsequently to 1873; explanation on this point, *ib.* 1148-1165—Long period, from six to twelve months, which may elapse before constitutional disease shows itself, *ib.* 1256.

Fewer cases of constitutional syphilis if there were a periodical examination of soldiers, *Barr* 1686—Reduction of constitutional disease at Aldershot, whilst it is too early under the Acts to expect much effect throughout the whole army, *ib.* 1756-1762. 1857—Conclusion as to a diminution of primary syphilis necessarily leading to a diminution of secondary syphilis, *ib.* 1807, 1808.

Experience of witness in former years as to the grave consequences of syphilis among soldiers of the line, as at large garrison towns in Ireland, *Robinson* 2095-2097. 2100-2102.

Result of witness' professional experience that constitutional syphilis in soldiers sometimes ensues from soft sore, though less frequently than from hard sore; difficulty in stating the relative proportion of cases from the two kinds of sore, *Robinson* 2224-2239.

Difference of opinion among medical authorities as to the unity or duality of the syphilitic poison; great majority of the more eminent authorities, with whom witness concurs, who hold the view as to the unity of the disease, *Myers* 2610-2615. 2864-2873. 2895-2901.

Exception taken to certain statistics purporting to show a large decrease of secondary syphilis in the years 1861-66; important diminution in the years 1865-72 as compared with 1860-64, *Myers* 2972-2980.

See also *Acts of 1866 and 1869.* *Aldershot.* *Concealment of Disease.*
Efficiency of the Army. *Examinations.* *Extension of Acts.* *Fluctuation of*
Disease. *Incurable Cases.* *London.* *Primary Sores.* *Returns and*
Statistics. *Stoppage of Pay.* *Treatment.* *Unprotected Districts.* *Windsor.*

Sexual Intercourse. Evidence at variance with the view that as a result of the system of examinations and of the more cleanly and healthy state of the women, as at Aldershot, there is more sexual indulgence on the part of the men, *Barr* 1586-1614. 1785. 1849—More steady character of the men, partly through the operation of the Acts, *ib.* 1604-1607.

Entire want of discrimination among soldiers, when dissolute and semi-intoxicated, as to the prostitutes with whom they associate, whether diseased or not, *Myers* 2618-2621. 2857-2863.

Shorncliffe. Value of Shorncliffe and Windsor as sanatoria for men greatly reduced by the ravages of disease, *Robinson* 2277, 2278—Very small per-centage of syphilis in the battalions of Guards when at Shorncliffe, *ib.* 2312-2314—The sanitary conditions of the place are very favourable, *ib.* 2357-2359.

Information as to the ratio of diseased cases in the Guards at Shorncliffe in 1876-78; large import of cases, *Myers* 2591-2599.

Short Service System. Several respects in which disease is likely to be more prevalent through there being younger men in the army under the short-service system, *Lawson* 535-539. 783-787—Tendency to increase of disease through the larger number of very young men under the short-service system, *Myers* 2609. 2829-2832.

Simon, John, C.B., F.R.S. Belief as to Mr. Simon being favourable to the application of the Acts to garrison towns, *Barr* 2056, 2057.

Solicitation by Women. Less solicitation by the women at Aldershot than formerly, whilst the decreased number makes intercourse more difficult, *Barr* 1786, 1787. 1846-1848—Effect of the Acts in causing a diminution of solicitation on the part of the women and of sexual intercourse on the part of the men, *Myers* 2902, 2903.

Stoppage

Report, 1879—continued.

Stoppage of Pay. Disturbing effect, as regards the statistics, of the regulation in 1873, whereby men taken into hospital for syphilis, primary sores, or gonorrhœa, had the whole of their pay stopped, *Sir W. M. Muir* 69-73—Effect of the fear of stoppage of pay in inducing concealment, *ib.* 129-134—Practice as to stoppage of pay on re-admission of the same men to hospital; approval of stoppage only for concealment of the disease, *ib.* 133, 139.

Statement as to Lord Cardwell's Order having affected alike the protected and the unprotected districts, *Sir W. M. Muir*, 250-268—Stoppage of pay whilst in hospital for delirium tremens as well as for venereal disease, *ib.* 339, 340—Circumstance of witness having already strongly protested against the Royal Warrant as to stoppage of pay, *ib.* 378-380.

Disturbing effect of the Order as to stoppage of pay, it having induced concealment of primary disease, and a consequent development of secondary symptoms, *Lawson* 464-469. 473-482—Belief as to Lord Cardwell's Order being applied to primary sores and to gonorrhœa, but not to secondary symptoms, pay not being stopped for the latter, *ib.* 473-475. 479-482. 490.

Further statement as to the indirect way in which the Order affected the number of secondary cases, *Lawson* 525-527—Dissent from the Army Medical Reports upon the question of gonorrhœa cases having increased through the Order, *ib.* 724-730—Approval of abolition of stoppage of pay as causing concealment of disease, *ib.* 802-804.

Large diminution of admissions to hospital upon the issue of the Order, *Lawson* 1155. 1156—Statement as to the Order not applying to secondary syphilis, *ib.* 1157-1159. 1210-1213. 1232-1234. 1244-1246—Limitation of the Order to primary syphilis, gonorrhœa, and delirium tremens, *ib.* 1157-1159.

Statement showing the effect of Lord Cardwell's Order in causing the men (as at Aldershot) to conceal disease, *Barr* 1378-1381—Belief that the Order has not only caused much concealment of disease, but is one of the causes why secondary syphilis has not shown a larger diminution, *ib.* 1470-1472.

Consideration of the effects of the Order; circumstance of its having been suspended in the case of the Scots Guards in the last three months, *Robinson* 2114-2118. 2131-2143—Effect of the Order as to stoppage of pay in causing concealment of disease in the absence of a system of inspection, *Myers* 2555, 2556. 2567.

Stricture. Very mischievous effects of gonorrhœa when followed by stricture, *Barr* 1742-1744.

Syphilis. See *Primary Sores.* *Returns and Statistics.* *Secondary Syphilis.*

T.

Taylor, Bell, M.D. Unreliable character of a certain return of Dr. Bell Taylor with reference to secondary syphilis in protected districts, *Myers* 2972-2979. 3055-3061.

Treatment (Venereal Disease). Great importance of the disease being made known in its early stage, so that it may be at once checked, *Sir W. M. Muir* 120-123—Great value of early treatment of primary syphilis, so that urgent symptoms may be prevented, *Barr* 1755—Improved treatment of venereal cases so that the results are not so mischievous as formerly; less mercury now given in cases of simple sores, *ib.* 3105-3114.

See also *Ablution, Habits of. Examinations. Gonorrhœa. Hospitals. Primary Sores.*

U.

Unprotected Districts. Particulars relative to the ratio per 1,000 of primary venereal sores and of gonorrhœa, in each of the years 1864-78, in districts not protected by the Acts; much larger ratio than in the protected districts, *Sir W. M. Muir* 39—Great excess of cases of primary sores constantly in hospital in the years 1870-78, in the non-protected stations, as compared with the protected stations, *ib.* 39-42. 53—Import of diseased cases from unprotected into protected stations, the latter being credited with them, *ib.* 88.

Belief that the disease is becoming none the less severe in places not affected by the Acts, *Barr* 1400-1402—Particular instances of regiments coming to Aldershot with a great deal of disease already contracted elsewhere, *ib.* 1921. 1963—Resort of the soldiers at Aldershot to women in contiguous districts where there is little check upon them, *ib.* 1966, 1967—Great severity of the disease in unprotected districts, though some good has been indirectly effected in these through the protected districts, *ib.* 2057-2061.

Report, 1879—continued.

Unprotected Districts—continued.

Considerable decrease of disease in some years at unprotected stations, *Robinson* 2329, 2330—Circumstance of there being still less disease at some unprotected stations, such as Warley, Hounslow, and the Isle of Wight, than at Windsor, *ib.* 2332-2337.

Reference to a statement that from 1867 to 1878 the average of primary sores at several unsubjected stations was less than at Windsor, *Myers* 2720-2722. 2809—Examination as to the practice of inspection in the case of men going into subjected and unsubjected stations, respectively, and as to the effect upon the statistics of hospital cases in each class of district, *ib.* 2791-2809—Recent illustration of the prevalence of disease in men going to Aldershot from an unprotected district, as compared with the absence of disease in men from a protected district, *ib.* 2930.

Grounds for the conclusion that whilst the type of the disease has been less severe at Windsor, there has been no diminution in the severity in unprotected districts, *Myers* 2935-2944—Consideration of a statement to the effect that at fourteen stations not under the Acts the ratio of primary syphilis is less than at Windsor, *ib.* 2982-2989. 3013. 3031-3046.

See also *Efficiency of the Army. Examinations. Extension of Acts. Gonorrhœa. Hospitals. Ireland. London. Primary Sores. Returns and Statistics.*

V.

Venereal Disease. See the headings generally throughout the Index.

Voluntary System. Limited benefit likely to be produced by providing hospitals in the unprotected districts for the voluntary treatment of women; failure of efforts already made in this direction, *Lawson* 1056-1072. 1176-1184. 1203, 1204.

Explanation, as regards the voluntary submission of diseased women to periodical examination, that they take this course rather than be compelled by an order of the magistrate to attend for examination; conclusion that without compulsory power they would choose their own time to be examined, *Barr* 1523-1560—Comparatively few women who would utilise hospitals under an entirely voluntary system, and would stay long enough to be completely cured, *ib.* 1550-1565.

Desire of women to enter the hospital when their disease is in its painful stage, whilst they are very desirous to leave before they are thoroughly cured, *Barr* 1773-1782—Result of witnesses' experience at the London Lock Hospital that the women came in much too late and left too early; this applies to voluntary hospitals generally, *ib.* 1774-1782. 1971-1974.

Conclusion as to the inadequacy of an extension of voluntary hospitals throughout the country, even though detention were compulsory after voluntary entry, *Barr* 1780-1782. 1838-1843. 1968-1978. 2007-2013.

Grounds for the statement that the lock wards in the hospitals are not much attended under the voluntary system, *Robinson* 2125-2130—Further reference to the voluntary system as not effectual in its application to women, *ib.* 2276.

W.

Warley. Illustration, in the case of Warley, of the liability of statistics to be deceptive, *Myers* 2656-2664—Hard work of Guards' recruits during the day, so that they are less likely to go into excess at night, *ib.* 2953-2956.

Windsor. Explanation as to Windsor not having been separated from London and other unprotected stations in certain returns up to the year 1866; at this period Windsor was not a subjected station, *Lawson* 560-571.

Amelioration as regards disease at Windsor in 1867, through the regimental authorities having prevented the men obtaining access to a noted brothel in the town, *Robinson* 2079-2081. 2086—Further reference to the diminution of disease in 1867, owing to prevention of access to a certain brothel, *ib.* 2148-2152. 2371-2376.

Examination as to certain returns and statistics respecting the relative per-centage of disease at Windsor and in London in different periods, *Robinson* 2144-2180—Grounds for maintaining that the improvement in 1868 and following years was not due to other causes than the Contagious Diseases Acts, *ib.* 2184-2211.

Windsor—continued.

Diminished amount of disease at Windsor adverted to in reference to the area of the district protected, *Robinson* 2315-2321.—Examination in further reply to representations to the effect that the diminution of disease is not owing to the Acts, *ib.* 2384-2442.

Further reference to the circumstance of there not being any separate return of the cases at Windsor before 1868; in witness' recollection there was, however, a great extent of syphilis there in former years, *Robinson* 2390-2398. 2412-2421.

Large proportion of imported cases at Windsor; practically the disease is stamped out in that station, *Myers* 2599-2604. 2636-2638.—Consideration of objections to witness' conclusions as to the proof afforded of the very beneficial operation of the Acts; reiteration of former views on this point, *ib.* 2646 *et seq.*

Relative amount of disease in each of the years 1867-70; special causes of the low amount of disease in the Coldstream Guards before the application of the Acts, *Myers* 2675-2694.—Grounds for the conclusion that a large proportion of the primary sores are imported from other districts, *ib.* 2723-2730.—Large reduction of disease in 1870, owing partly to the suppression of a considerable number of brothels in the previous year, *ib.* 2731-2735. 2778-3780.

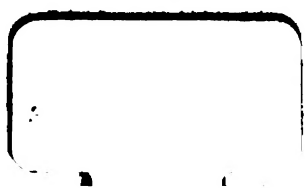
Emptiness of the hospitals at Windsor as compared with those in London, *Myers* 2809-2816. 2931, 2932.—Treatment in hospital of all cases of primary syphilis and of gonorrhœa, *ib.* 2810, 2811.—Belief that there is an inspecting medical officer by whom women are inspected, *ib.* 2812-2815.

Great contrast between the present and former state of the hospital as regards venereal cases, *Myers* 2931-2934.—Doubt as to the subsequent career of prostitutes driven from Windsor by the operation of the Acts, *ib.* 2992-2995.

Importance attached to the statistics as between Windsor and London; further statement hereon as to the excessive disease formerly at Windsor, and the great diminution under the Acts, *Myers* 2996-2999. 3028-3030. 3046.

See also *Coldstream Guards.* *London.* *Scots Guards.*

Wives of Soldiers. See *Married Women.*



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